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COMMISSIONER  
OF OFFICIAL  
LANGUAGES

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CANADA

ANNUAL  
REPORT  
1998





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COMMISSIONER  
OF OFFICIAL  
LANGUAGES

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CANADA

ANNUAL  
REPORT  
1998









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## THE TEXTURE OF CANADA

A fabric is woven  
of many threads.

Those of us  
who speak English  
and those of us  
who speak French –  
ourselves made up of  
many different elements –  
have joined together  
to weave a social fabric  
called Canada.



*Wearers of the emblem of  
the Office of the Commissioner  
of Official Languages are  
signifying their commitment  
to fostering the best possible  
human relations between the  
English-speaking and  
French-speaking components  
of Canada's social fabric.*

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THE SPEAKER,  
SENATE, OTTAWA

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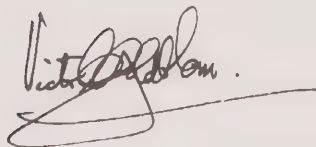
Mr. Speaker,

Pursuant to  
Section 66 of the  
Official Languages Act,

I hereby submit  
to Parliament, through  
your good offices,  
the twenty-eighth

Annual Report  
of the Commissioner  
of Official Languages,  
covering the  
calendar year 1998.

Yours respectfully,

A handwritten signature in dark ink, appearing to read "Victor C. Goldbloom", with a long horizontal flourish extending to the right.

Victor C. Goldbloom  
Commissioner of  
Official Languages

April 1999

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THE SPEAKER,  
HOUSE OF COMMONS, OTTAWA

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April 1999

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\* A full discussion on the language rights situation in Canada in 1998 is available in a separate publication, "Language Rights in 1998".







## EVOLUTIONS AND DEVOLUTIONS

**T**he Commissioner's Annual Report covers the calendar year. We begin writing it in the late fall, but we obviously cannot finalize the text until the year is over. Putting in finishing touches and readying it for the printer occupy us through January and February; we send it off at the beginning of March, and aim to table it before Parliament in April.

The present Annual Report deals with the events of 1998; but some of those reached a culmination after the end of the year but before the finalization of the text, and it would not make sense to publish a document which ignored such developments.

Some of these were quite positive: the report of the Fontaine task force (by and large); the announcement that the federal government was making it possible for the University of Ottawa to train, over the next five years, 30 French-speaking physicians and 60 French-speaking health care professionals in other disciplines, to cope with the serious shortages affecting the minority communities all across Canada; and the publication of a study, carried out for the Commissioner, on what motivates the choice of school for parents in a linguistic minority situation.

Other developments showed up on the negative side of the ledger: our continuing follow-up evaluations of service to the public in federal offices designated to function in both official languages consistently failed to show improvement; and the federal government and nine provinces signed a social union agreement which made no mention of the particular needs of Canada's official language minority communities — only a general, all-encompassing reference to Canada's diversity.

The Fontaine report was well received. It will be recalled that the creation of this task force was recommended by the Commissioner in a special component of his 1997 Annual Report dealing with devolutions of federal responsibilities to the provinces and territories and other transformations. On behalf of the government, the President of the Treasury Board, the Honourable Marcel Massé, acted immediately; and nine months later (an impressive achievement by the task force) Mr. Massé welcomed the report and indicated that the government would act on it.

Although obviously pleased and gratified by this outcome, the Commissioner found himself obliged to call attention to three problems remaining unresolved and requiring attention. The first concerns recourse and redress if services in the minority official language are not obtained. Devolutions, in this regard, are different from privatizations or from the creation of paragovernmental agencies, which are brought about by legislation in which Parliament can (and almost always does) specify the continued application of the Official Languages Act, including access to the Commissioner and his complaint-handling service. Provinces and territories are unwilling to consider that devolution makes them agents of the federal government, and that federal complaint-handling mechanisms can apply. The Fontaine report did not provide an effective solution to this problem; the Commissioner, judging the devolutions to be irreversible, undertook to discuss the issue with his colleagues, the provincial and territorial ombudsmen.

The Commissioner had hoped also that the report would deal with the language of work rights of federal public servants transferred to a province or territory by virtue of a devolution; this

## PREFACE

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issue is mentioned in the text but is not the object of a recommendation. Also, he found that one of the recommendations seemed to create two categories of linguistic rights (federal and non-federal), and he emphasized, as he has done from the beginning, that, when a devolution is brought about, the service involved remains the same service, and the citizen needing and receiving it remains the same citizen.

It will be recalled that the Commissioner set out five principles which ought to be respected in all devolutions and transformations.

These caveats aside, the Commissioner commended the task force for an important job well done.

On balance, then, the year had more positives than negatives. The Commissioner's follow-ups on service to the public in designated two-language offices were done a little differently from the methods of the original survey, in that they pinpointed the specific shortcomings of specific offices. This resulted in a considerable number of specific commitments on the part of deputy ministers and heads of other institutions to remedy these situations, and

hopefully to do the same for offices which were not part of our sampling.

The year ended with the announcement that Ms. Dyane Adam, Principal of Glendon College of York University, will become the fifth Commissioner of Official Languages, taking office on August 1, 1999. It is a pleasure to pass the torch to her.



*Victor C. Goldbloom*

Commissioner of Official Languages



## THE COMMISSIONER'S ACTIVITIES

In 1998 the Commissioner devoted considerable time and energy to solving problems and difficulties affecting the official language minority communities. In particular, he pursued his efforts to make full and complete school governance a reality all across Canada. The important role he has played in this regard over the past seven years bore fruit since, apart from the persistence of a few deficiencies, this fundamental right is finally guaranteed.

Health was another of his major concerns. The Commissioner has repeatedly insisted on the need for patients and their families, on the one hand, and health professionals, on the other, to fully understand each other. Patients must be able to explain their medical history and symptoms in the official language of their choice. In doing so, they should be able to count on the complete understanding of the health professional. The latter must be able to explain clearly the nature of the problem, the type and risks of treatment, the possible complications and the therapeutic regime to be followed. The patient's right to this reciprocal understanding must take precedence over the rights of the health professional with regard to language of work.

The Commissioner has accordingly taken an interest in the accessibility of health care and social services in English to English-speaking Quebecers. Similarly, he has continued to demonstrate his support for the cause of the Montfort Hospital and to work for the creation, at the University of Ottawa, of a national centre for the training of French-speaking health professionals to serve the minority communities.

The Commissioner unceasingly pursued his work of explaining the Act and linguistic duality to Canadians. The need to meet with his fellow citizens where they live prompted him to travel extensively. He accordingly made 16 trips, during which he gave dozens of interviews to the media (in addition to dozens from his office in Ottawa, for a total of over one hundred); gave many speeches and talks to, for example, service clubs; met with elected representatives and officials of various levels of government; and presented awards, particularly during the Semaine de la Francophonie and to QSPELL. In addition, he kept up a voluminous correspondence.

In the fall the Commissioner was the guest speaker at an international colloquium held in Dublin, Ireland, on the coexistence of more than one language in a single country. On this occasion he was able to acquaint his listeners with Canada's wealth of experience in the area of language policies and language laws.

In addition to responding to 2,792 complaints and requests for information the Commissioner conducted special studies on the motivations for school choices by eligible parents outside Quebec and on the actions taken in response to his 1994 study on service to the public in federal offices designated bilingual.

The Office of the Commissioner regularly conducts follow-ups to ensure that the Commissioner's recommendations have had the desired effect on the behaviour of federal institutions.





## PANORAMA 1998

### 1. TRANSFORMATIONS: CANADA CONTINUES TO CHANGE

As part of his 1997 Annual Report the Commissioner published a special study entitled *Government Transformations: The Impact on Canada's Official Languages Program*. In this document the Commissioner reviewed a number of the transformations carried out by the federal government (transfer of authority, privatization, creation of new para-public agencies) to assess their impact on the implementation of the Act and, particularly, on the official language minority communities. The Commissioner welcomed the speed with which the government responded to his recommendation by creating, just hours after tabling of the study in March 1998, a task force with the mandate to "analyse the effects on official languages of the transformations in the structure of government in recent years and to propose appropriate measures to improve the situation." More specifically, the analysis was to examine the following elements of the Official Languages Act: service to the public, language of work, equitable participation and the vitality and development of the official language minority communities.

In January 1999 the task force submitted its report, *No Turning Back: Official Languages in the Face of Government Transformations*, to the President of the Treasury Board, Marcel Massé.

After a few clarifications regarding the Task Force's mandate and a brief summary of the situation of the official language minority communities the report cites several key premises that guided the analyses. First, it affirms the importance, when transformations take place, of not weakening the existing regime of language rights: "If the federal government decides to fulfil its responsibilities in a different manner, the existing regime of language rights and support to official language minority communities must continue to be applied in its entirety." It also points out that all federal institutions, pursuant to Section 41 of the Act, are responsible for enhancing the vitality of the official language minority communities as well as supporting and assisting their development.

To analyse the completed transformations the task force relied on the principles set out in the Framework for Alternative Program Delivery published in 1995 by the Treasury Board Secretariat. The task force felt that official languages considerations entered into the picture too indirectly and that insufficient account was taken of this fundamental value of Canadian society. "The Framework should have given language rights the pre-eminence they deserve. Under the Canadian Charter of Rights and

Freedoms, this pre-eminence is a matter of obvious and fundamental public interest."

The report, which analyses more than 10 years of transformations in detail, confirms the Commissioners' finding that the approach adopted by federal officials contributed to "a subtle but cumulative erosion of language rights" across the country. This laxity is of particular concern to the members of the task force. They rightly believe that the federal government, which exercises unique authority where the official languages are concerned, must show constant leadership and must take the required steps to redress a situation that has become alarming. The task force

concludes: "The federal government, which indisputably bears prime responsibility for safeguarding and promoting Canada's linguistic duality, has missed a fine opportunity to help foster this duality through the transformations over which it has presided." We concur.

The authors of the report submit a set of recommendations to the President of the Treasury Board. They invite the federal government to once again place linguistic duality at the core of its concerns and to fulfil all of its responsibilities in this regard. The government must show an unshakable commitment and must reiterate it and demonstrate it in all its actions. The report urges the authorities in question to develop a master plan and establish a co-ordination centre that will direct all future transformations and, in particular, will see to it that both the provincial/territorial governments and the private sector take the linguistic aspect into account in their activities. The task force emphasized the importance of consulting the official language minority communities and of involving them early in the process of transformation so that they may have a say in determining the appropriate arrangements.

The report's authors rightly point out that when responsibilities were transferred to other levels of government, as under the federal-provincial/territorial agreements on labour market development, the follow-up, evaluation, recourse and remedy mechanisms did not pass the test. We therefore invite the government to integrate appropriate and effective mechanisms into such agreements.

We have analysed all the task force's recommendations in light of the five guiding principles set out in *Government Transformations*; in our view, they should guide all government transformations. For the benefit of our readers we repeat them here. Any federal institution that signs a delegation agreement with a province or territory must ensure, as a minimum, that the agreement:

- preserves existing rights by clearly guaranteeing the members of the public concerned the right to services as stipulated in the Act and official languages regulations





- defines a mechanism that gives the members of the public concerned the option of adequate and transparent remedy in case of dissatisfaction and, if appropriate, redress of the situation
- establishes effective accountability and control mechanisms to ensure that language obligations are fulfilled
- in the case of transfers and withdrawals involving other levels of government, obtains a commitment by the other level of government to support the development of the official language minority communities, to consult those communities with regard to their needs and interests and to take concrete measures accordingly
- takes into account the language rights of federal employees when giving current employees the choice of transferring to the employ of another level of government or the private sector or remaining in the employ of the federal government.

These principles remain as pertinent as ever.

While we appreciate the quality of the Task Force's analysis and agree with the accuracy of the diagnosis we must express some reservations regarding the recommendations. Not to do so would be to fail in our duty.

First, on a positive note, we are pleased to see that the report recommends that the government revise the Treasury Board Secretariat's Framework for Alternative Program Delivery to assign the official languages all their importance as a fundamental value of Canada. However, we cannot share the task force's position which distinguishes, in terms of the required linguistic regime, between "functions for which the federal government is responsible and those that it considers as not being within its purview." The task force goes as far as to suggest that "the applicable linguistic regime must take the particular circumstances of the situation into account."

We hope that the government will not accept this distinction, which could result in another setback for the official language minority communities. The language rights of Canadians should not be the subject of such negotiations. The client remains the same and the services are of the same nature. How can there then be a justification for the loss of such fundamental rights through administrative bargaining? We do not deny that there may be a distinction between areas of provincial/territorial and federal jurisdictions. If the federal government has for many years been able to provide service in both official languages and take other measures intended to promote the vitality and development of the official language minority communities it cannot now withdraw from these areas of activity without ensuring the preservation of acquired rights. Unfortunately, the wording of this recommendation might contribute to perpetuating the ambiguity of the principles that have up to now guided government action in this area. In carrying out its transformation activities the federal government must take full account of its commitment "to enhancing the vitality of the English and French linguistic minority commu-

nities in Canada and supporting and assisting their development", in the words of Section 41 of the Official Languages Act.

At least two recommendations deal with the federal government's obligation to be accountable with regard to its transformation. The first deals with mechanisms for monitoring and evaluation, the second with recourse and remedy mechanisms. We share the task force's opinion of the importance of implementing these principles in the context of government transformations. However, we disagree seriously with the methods proposed. Any adequate recourse mechanism must include a device for appealing to an impartial third party with the appropriate authority and jurisdiction which is easily accessible to citizens. As currently worded the recommendation on recourse does not pass this test.

The Commissioner, believing that the transfers of responsibility that have already taken place are irreversible (although he remains hopeful that the agreements concluded can be improved), has discussed with his colleagues the provincial and territorial ombudsmen (who exist in eight provinces and two territories) the possibility that they might gain jurisdiction in this regard, if they do not already have it. All of what has until now existed at the federal level is simply not preserved or reproduced at the provincial/territorial level.

The absence of a recommendation on language of work is another disturbing aspect of the report. In certain designated regions federal employees have the right to work in the official language of their choice, subject to some conditions. This right, explicitly set out in the Official Languages Act, should not be sacrificed to administrative arrangements. The preservation of these rights should at least be provided for in contractual guarantees for employees in regions that are designated bilingual for language of work purposes.

The President of the Treasury Board, on behalf of the federal government, has welcomed the report by saying that he was "optimistic that the Government of Canada will soon be able to announce initiatives in response to the report's recommendations." As we went to press these initiatives were not yet known. In the days following submission of the report the Commissioner informed the President of the Treasury Board of the reservations we have expressed above.

We hope that, pursuant to the government's commitment to enhance the vitality as well as support and assist the development of the official language minority communities, as set out in Part VII of the Official Languages Act, federal officials will make the necessary adjustments when implementing the recommendations, in keeping with the spirit of the report. We intend to follow this important issue very closely.

## THE FEDERAL RECORD

### Part VII of the Act: An inadequate implementation scheme

More than 10 years after it came into force Part VII of the 1988 Official Languages Act is still at the top of the Commissioner's list of priorities, just as it remains a priority for English-speaking and French-speaking Canadians who are members of the minority communities in each province and territory.

Part VII of the Act sets out the obligation of federal departments, Crown corporations and agencies to implement the federal government's statutory commitment to "enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and fostering the full recognition and use of both English and French in Canadian society."

By his choice of words the legislator clearly intended to indicate that Part VII of the Act should apply to the manner in which federal government programs are designed and implemented.

To be appropriate program implementation must also take into account the remedial character of this provision of the Act, the basis of which is found in Section 16 of the Constitution Act, 1982.

Part VII requires the government to change its institutional structures as well as its processes. Every federal institution must therefore put in place an *appropriate implementation scheme* through which it ensures that its contribution to the achievement of the fundamental objectives established by Parliament in Part VII of the Official Languages Act is fully consistent with its mandate, programs and resources.

It is therefore the government's responsibility to provide the appropriate leadership and administrative framework for the effective application of this horizontal statutory policy.

We are obliged to report that despite the real improvements made by the government in this regard during the year (specifically, with regard to the obligation of departments, in any submission to Treasury Board or memorandum to Cabinet, to optimize the impact of proposed measures on institutional bilingualism and on the development of the communities and to appoint a senior manager directly responsible to the deputy minister to act as an official languages champion) major deficiencies remain to be rectified.

In this regard we note, first, that only 27 federal institutions are required to develop action plans for implementing Part VII of the Act. With a few exceptions the contribution of other federal institutions — over 200 — is ignored. (In our 1996 study, entitled: *A blueprint for action: implementing Part VII of the Official Languages Act, 1988* we had analysed 58 of them.)

To gain a better understanding of the actual consequences of this situation we conducted a systematic analysis of the mandate,

organizational structure, programs and resources of all federal institutions, using a grid of 10 weighted criteria to evaluate the degree of accountability of federal institutions in terms of achieving the objectives of Part VII of the Act.

We also evaluated the extent to which the 134 most important federal institutions had met their obligation to report in each of the six sectors of government activity,<sup>1</sup> as required by Part VII of the Act.

This analysis showed, first, that the 27 designated institutions represent only 20% of the most important federal institutions. This does not mean, however, that the government is meeting that same proportion of its responsibilities under Part VII because, on the one hand, the planning in these 27 institutions is, in many cases, far from perfect and, on the other hand, the implementation of their action plans often fails to achieve the objectives established.

Second, while the procedure for consulting the official language minority communities and developing action plans is in most cases definitely better than before, it focuses on the designation of projects rather than on the measures required to ensure that the policies, programs and resources of federal institutions, including the federal spending power, produce equitable results for these communities. Our analyses show that the best action plans have adopted a format that corresponds to the six indicators<sup>2</sup> of quality that we developed rather than following the governmental model that does not sufficiently encourage the thorough reflection which is essential.

Third, in the current approach to the implementation of Part VII, federal institutions are for all practical purposes considered identical. The reality, however, is quite different. Frequently there are differences between institutions because of their mandates, resources, areas of activity and the principal modes of action proper to each as well as differences in the role each plays with respect to the official language minority communities.

A different approach is required. Persons who, for example, understand the federal procurement issue, which should benefit the minority communities as much as the majority groups, do not necessarily have a thorough knowledge of the field of health or of the world of the arts and culture.

<sup>1</sup> That is: economic development, human resources development, cultural development and communications, social development and health, judicial and regulatory functions and management of the implementation of Part VII of the Act.

<sup>2</sup> These six indicators of the quality of the action plans, which are also used to determine whether the application of Part VII will have sufficient results, are (1) [proper] policy/leadership framework, (2) [appropriate] implementation strategy, (3) results achieved and likely impact, (4) management and performance monitoring systems, (5) accountability and reporting framework and (6) integration of Part VII into institutional culture.



We recommend the establishment of sectoral consultation groups and, for each development sector, pairing community experts with those from government. The aim would be, first, to arrive at a common definition of sectoral development and, second, to develop strategies to promote community development as well as the recognition of English and French and, third, to monitor the implementation of these action plans. This approach would have a better chance of producing equitable and mutually satisfactory results.

The Corporation of the National Committee for Canadian Francophonie Human Resource Development, in which nine federal institutions participate, is, to our knowledge, the only agency that has adopted such an approach, at least in part. The work of that body has, however, produced few concrete results thus far, being still in its infancy and not yet in possession of all the resources it needs.

We also believe that certain government responsibilities, such as judicial and regulatory functions, must be approached differently.

Fourth, the expected results cannot be achieved without the active and complementary participation of each of the central agencies pursuant to their own mandates as part of a joint effort to ensure enlightened implementation of Part VII throughout the entire federal administration. Administrative leadership, the training of managers and employees, the adoption of consistent and effective strategies and the development of appropriate systems for data capture, performance auditing, program evaluation and the reporting of results and their impact on the federal administration are the responsibility of these agencies and are not likely to come from elsewhere.

Since the current implementation scheme is still inadequate it is Cabinet's responsibility to provide political leadership and take the appropriate measures to ensure that the administration assumes its responsibilities.

It is quite possible that after publication of this Annual Report we will learn that the government, armed with the analysis and recommendations of the consultant whose services it retained to give renewed impetus to the implementation of Part VII, has acted on our exhortations. This, obviously, is our hope.

In the final analysis it is Cabinet's responsibility to dispel the impression — unfortunately too widespread — that government assigns little importance to the achievement of the objectives set out in Section 41 of the Act, although the stakes involved are high.

Part VII is intended to create optimistic official language minority communities which expect to receive all the benefits from federal policies and programs to which they are equitably entitled, whether it be access to government services, jobs, instruction, culture or recreation, in the language of their choice.

In keeping with the spirit of Part VII all Canadians, whether English-speaking or French-speaking, should feel that they are citizens with full rights. Most Canadians are unilingual. If they live in a part of the country where their official language is the minority language they should be able to find a dynamic community there which guarantees the vitality of their language and offers them an environment into which they can integrate harmoniously.

Part VII affirms the very identity of Canada. Its implementation is essential to the official language minority communities but it is also important to the linguistic majorities and vital to the future of our country.

Part VII is not an ordinary provision. Cabinet must therefore do everything possible to respect its statutory obligations in this regard.

### **Bilingualism of managers: Deadline postponed**

Under the provisions of the Official Languages Act some regions are designated bilingual for purposes of the language of work of employees of the government and other institutions subject to the Act. In these designated regions (the National Capital Region, northern and eastern Ontario, New Brunswick, Montreal and some parts of the Eastern Townships, of Gaspé and of the Outaouais in Quebec) federal employees may work in the official language of their choice. This right, naturally, cannot be exercised when an employee communicates with citizens who are entitled to be served in their official language.

The possibility of working in the official language of one's choice assumes that a large percentage of one's immediate colleagues understand the other official language and, especially, that one's supervisor, who has regular contacts with the employee, has a good knowledge of that language. Members of the Executive group are, for the most part, required to perform supervisory duties. In 1987 the government seemed to have acknowledged the importance of employees who belong to this category in the designated regions knowing both official languages when it issued a policy requiring linguistic proficiency at the CBC level (C in reading, B in writing and C in speaking) in their second language by March 31, 1998. In the past we have criticized the far-off deadline of this policy and have frequently reminded the government that the excessively slow progress of managers in linguistic proficiency was compromising achievement of the policy's objectives.

As March 31, 1998 approached, the government had to admit that nearly 40% of the managers in regions designated bilingual for language of work purposes did not meet the CBC standard.

On March 27 the Treasury Board Secretariat published amendments to its policy. The new policy does not impose sanctions on contraveners; on the contrary, they have until March 31, 2003, to comply with the language standards for their positions. We hope that the measures that will be taken in the next few years to ensure achievement of the policy's objectives will be more effective.



The new policy also provides that assistant deputy minister positions everywhere in Canada must be designated bilingual CBC; staffing of these positions will be non-imperative for external competitions. This new approach is a step in the right direction and will assist official language minority communities that have difficulty finding bilingual senior managers to deal with in the regions. We note, however, that few departments have assistant deputy minister positions in their regional offices. In addition, incumbents of positions of equivalent level who do not have assistant deputy minister rank are exempt from this directive. The standard applies only to departments and agencies for which Treasury Board is the employer; Crown corporations are not subject to it.

We are pleased with the implementation of language policies that will enable federal employees in regions designated bilingual for language of work purposes to exercise their rights freely. (In 1994 we had conducted a study of the linguistic situation in the workplace of employees in the National Capital Region.) Members of the Executive group play an essential role in the successful implementation of the government's language policy. However, this policy does not apply to a very large number of senior managers who fill positions equivalent to EX positions. The number of EX equivalents is larger than the total number of EXs; yet the new policy ignores them. This group of managers supervises a large number of employees and their positions should be subject to similar standards. When the exceptions are more numerous than the standard the impact of that standard is considerably diluted.

Treasury Board also adopted measures to strengthen the organizational structure for the implementation of important aspects of the Official Languages Act, namely, the vitality of the official language minority communities and institutional bilingualism. To this end federal institutions must maximize the impact of their initiatives on the implementation of these two aspects of the program. Departments must appoint as a responsibility centre a senior manager who is required to report to the deputy minister. This approach will certainly be beneficial and will give outside stakeholders more equitable access to the department.

Similarly, we are pleased that government authorities have accepted our suggestion that participants in the Accelerated Executive Development Program, an important component of La Relève, acquire linguistic proficiency at the CBC level during their training period.

### **The Universal Classification Standard**

For some years government authorities, under the aegis of the Treasury Board Secretariat and in co-operation with various officials have been working to develop a new classification standard for jobs in the federal Public Service. The new formula, known as the Universal Classification Standard, replaces the job evaluation system that has been in place for over 30 years.

In our opinion when it was developing the new standard the government should have included among the skills evaluated a component on linguistic knowledge. The new standard is praised because it is based on client service and has the benefit, it is said, of enabling the evaluation of all the characteristics of a given job. Having the skills required to serve one's fellow citizens in the official language of their choice where the need exists is, it seems to us, one of the grounds for existence of the Public Service. But the government did not think it useful to incorporate this linguistic aspect into the new standard. It could have integrated linguistic proficiency into the set of qualifications required to perform activities as important as serving the public and respecting the language of work of employees.

### **The bilingualism bonus**

For a number of years we have been recommending that the government review its policy on the bilingualism bonus. So as not to penalize employees financially we have suggested the gradual elimination of the bonus as positions become vacant.

By preserving the bilingualism bonus the government helps propagate the unfounded idea that linguistic skills are only an adjunct to the basic activities. This does not reflect reality or ensure a comparable quality of service in the official language minority communities.

### **Symposium on official languages**

To mark the 10th anniversary of the proclamation of the new Official Languages Act three departments — the Treasury Board Secretariat, Justice Canada and Canadian Heritage — joined their efforts to organize a highly successful symposium last September. The some 700 participants heard distinguished speakers, including Mr. Justice Michel Bastarache of the Supreme Court, the President of the Treasury Board, Marcel Massé, Professors Stephen Clarkson and Philip Resnick, the Acadian novelist and Goncourt Prize winner, Antonine Maillet, and, at the closing luncheon, the Commissioner. This symposium brought together a host of participants from government institutions, the communities and universities.

While noting the accomplishments of Canadian society and the government in the area of official languages the Commissioner raised basic questions: are the members of the official language minority communities well served by federal institutions? Are these communities receiving all the support and recognition they deserve and need? These questions cannot be answered with the certainty we would like.

Mr. Justice Bastarache emphasized the importance of going beyond theory to achieve real equality of the communities as quickly as possible. "We must not," he said, "give special status to institutional bilingualism to the detriment of the social change that underlies all community equality." (*Our translation*).

Antonine Maillet, after congratulating the participants on their enthusiasm and commitment, deplored the doubletalk that can be heard everywhere, calling it a game. While she acknowledged the progress made in recent decades she expressed regret that what is heard from public institutions does not correspond to the reality of the official language minority communities.

By way of conclusion Professor Resnick emphasized the dichotomy between the "legal country" and the "real country". In his view the fate of the Official Languages Act and that of Canadian confederation are intimately linked.

### **A majority of Canadians support linguistic duality**

The organizers of the Symposium on Canada's Official Languages conducted a survey of Canadians to evaluate their perception of linguistic duality. Two-thirds of respondents (66.5%) said that they agreed or strongly agreed with the statement "The presence of two official languages in our country is a fundamental element of Canadian identity." With regard to the importance to young people of knowing the two official languages a large majority (64%) agreed or strongly agreed that: "It is important for young people in Canada to speak both English and French." Nearly 60% of those questioned believed that "the presence of two official languages provides Canada with a competitive edge for the 21st century."

In addition, a survey conducted in September by the Angus Reid Group on behalf of Canadian Heritage in the majority English-speaking provinces and the territories showed that the concept of linguistic duality has the support of a majority of Canadians. Of those questioned 77% believed that it is important for students to learn to speak English and French in school. Moreover, 61% of respondents believed that having two official languages counts for a great deal in the definition of a "Canadian", and 67% felt that the ability to speak English and French improves job and business prospects for all Canadians.

The results of these two surveys confirm that a large proportion of the population solidly supports Canada's linguistic duality. A majority of Canadians see this reality as an advantage and a fundamental characteristic of our country.

### **One program renewed, another pending**

As part of its official languages support programs Canadian Heritage administers, among others, the Official Languages in Education Program (contributions to the provinces and territories) and the Support for Official Language Community Organizations and Institutions Program. Both the federal-provincial/territorial agreements on education and the Canada-Community agreements are to be renewed on April 1, 1999, probably for a five-year period. On March 18 Canadian Heritage announced the renewal of the Official Languages in Education Program. The five-year budget for this program will be \$684 million. This means that annual

funding will be approximately equal to the program's funding for fiscal 1998-99. Considering the extent of the needs and the fact that the program has been reduced considerably in recent years we were hoping for increased funding. We strongly suggest that the government review the envelope for this program in the next budget.

With regard to the Support for Official Language Community Organizations and Institutions Program, as of December 31 the government had still not announced the anticipated increase in funding for the next five years. Given that the needs of the official language minority communities are not decreasing and that the Canada-Community agreements, which expire in March 1999, are among the best tools for community development, we are concerned about these uncertainties. To avoid recourse to temporary funding, which involves administrative complications, the agreements should be signed by April 1, 1999. This program, like Official Languages in Education, has been considerably reduced in recent years. The official language communities have made numerous representations to the government and hope that the budget envelope will be restored at least at the level where it was before the cuts.

### **Symposium on official languages research**

On March 12 and 13 various federal partners, among them Statistics Canada, Canadian Heritage and the Office of the Commissioner of Official Languages, organized a symposium entitled Language Data on the Official Language Minorities. Some 100 participants, including researchers, leaders of the linguistic communities and representatives of various federal institutions, had an opportunity to take stock of the state of research.

The objective of the symposium was to increase awareness of the extent of Statistics Canada's data on the situation and behaviour of the official language minorities, of the tools available to increase access to this data and to promote its use with a view to better identifying the needs of these communities, particularly with regard to research. The participants quickly realized that knowledge in this area was relatively limited and attempted to identify the gaps to be filled and the areas where it would be necessary to gather additional data to gain a better understanding of the reality of these rapidly evolving communities. They also emphasized the need to create research partnerships. At the conclusion of the symposium the various federal participants formed an interdepartmental committee on official languages research. The participants see this as a tangible way of strengthening research capabilities and supporting policy development in the Public Service.

### **CRTC: Television markets**

With the advent of a host of specialty channels the Canadian Radio-Television and Telecommunications Commission finds itself under pressure to rethink the concept of English-speaking



and French-speaking markets. Various people, including the Commissioner, are encouraging it to consider the concept of bilingual markets to better respond to the needs of the two official language communities. At her appearance before the Standing Joint Committee on Official Languages the Chair of the CRTC, Françoise Bertrand, acknowledged the problems in applying the criteria as currently defined. For example, she cited the case of Timmins, Ontario, where the French-speaking community is 39% of the population. Under current CRTC criteria, however, this constitutes a unilingual English market. At year's end the CRTC was considering applications for some 15 French-language specialty channels.

In connection with the review of new licence applications the Commissioner invited the CRTC to redefine its standards for bilingual markets as soon as possible. It would have been wiser, we believe, to revise the criteria governing these markets before examining the applications for new stations. It is encouraging, however, to learn that the CRTC recognizes the problem and intends to tackle it in the near future. It will always be possible to review the distribution of channels once the criteria have been redefined.

It should also be pointed out that the very concept of markets may be disadvantageous to the official language minority communities.

In December the Commissioner, represented by Gérard Finn, Director General, Policy Branch, presented a brief to the CRTC on this issue.

We hope that this effort will lead to a better linguistic balance in the programs offered by cable television broadcasters. It is not enough, in our view, to make the stations available. The specialty services must also promote production in the regions and broadcasting of regional events of interest to the official language minority communities. Canadian society is increasingly bilingual. Rules of access must therefore be developed to promote the equitable distribution of new French-language specialty stations in minority communities. We invite the CRTC to adopt a new approach to the definition of bilingual markets that takes into account not only mother-tongue French speakers but also other speakers of French. All Canadians who know French are potential clients of such services.

The English-speaking communities in Quebec, especially those outside Montreal, have special needs to which the Commissioner has repeatedly turned his attention.

The CRTC, like all federal institutions subject to the Official Languages Act, must respect the government's commitment under Part VII of the Act. The regulatory agency must bring this commitment up to date by transferring elements of this obligation onto the firms it regulates. In some cases the very concept of the territoriality of markets should be reviewed so that adjustments may be made to it and both qualitative and quantitative criteria taken into account.

We have reason to be pleased with the CRTC's recent decision authorizing distribution of the TVA network nationally, which means that large and medium-sized cable and satellite broadcasting firms will have to carry this network. This news is all the more encouraging because, when it made its presentation to government officials, TVA agreed to produce and broadcast a weekly program reflecting the life of the minority communities, to expand its coverage of current events so as to respond better to the needs of its new clients, to establish an advisory board consisting of members of the minority Francophone and Acadian communities and to reinvest part of its profits in programming for Canada's Francophonie. The *Fédération des communautés francophones et acadiennes du Canada* has expressed its satisfaction with this CRTC decision.

### **The Standing Joint Committee on Official Languages**

At its first meeting after the resumption of Parliament early in the year the Committee, co-chaired by Senator Rose-Marie Losier-Cool and MP Sheila Finestone, examined the 1996 census figures. Representatives of Statistics Canada outlined trends with regard to official languages and emphasized the importance of not only looking at the 1996 results but also of identifying long-term trends. The witnesses also informed the committee members that in the next few months they were going to study the possibility of including in the 2001 census questionnaire a more elaborate question on home language in order to improve the quality of data on linguistic transfers. Statistics Canada recognizes that for the official language minority communities the census is an essential source of data. We are pleased with these plans given that we have for some years called for more detailed information on the actual linguistic behaviour of the members of these communities.

On March 17 the President of the Canadian Olympic Association appeared before the Committee to respond to criticism about the fact that the activities during a reception organized for the Canadian Olympic Team at the Winter Games in Nagano, Japan, were mainly in English. The witness acknowledged that the balance between English and French at this reception was not in keeping with the Association's policy. He pointed out that the Association had apologized to the Canadian team in less than 24 hours and also said that policies on the subject would be revised and clarified to prevent a repetition of such a situation. Since bilingualism is too often neglected in sports special vigilance must be exercised. Canadian Heritage has issued a more specific policy on the subject.

The lessons learned from the events in Nagano were unfortunately not understood by all Canadian sports associations. A few months after Nagano the Commonwealth Games Association of Canada held a press conference in Toronto in English only to announce the composition of the Canadian team for the Kuala Lumpur, Malaysia, games. As was the case with the Nagano games officials made apologies — in both official languages.

The most distressing aspect is that error or oversight is always cited. That Canada has two official languages is not a new concept; we can no longer accept excuses of this nature from our national organizations. The proper authorities must intervene to remedy the situation.

Representatives of Canadian Heritage appeared before the Committee twice: the Minister, Sheila Copps, first and then, at a second session, the officials. The Department's mission and all its programs were discussed. The scope and limits of the Department's interventions with the communities, voluntary agencies and provincial and territorial authorities were examined at length, as were the consequences of the budget cuts.

When he appeared in May Dr. Goldbloom presented a retrospective of his seven years as Commissioner of Official Languages and pointed out some of the progress made during his term. He noted, for example, the achievements with regard to school governance, community radio stations, the Regroupement des universités de la francophonie hors Québec and the establishment of a network of school and community centres. However, other issues (implementation of Part VII of the Official Languages Act, federal government transformations, transfers of federal responsibilities to other public jurisdictions or to the private sector, for example) remain a serious concern. Too often the language provisions included in devolution agreements are unclear and the recourse mechanisms available to citizens affected are absent or ineffective. The Commissioner said, however, that he was encouraged by the diligence of the President of the Treasury Board, who had almost immediately taken action on the recommendation made in the Commissioner's study of government transformations to create a task force to look into the issue. He expressed the hope that government transformations will not contribute to the erosion of Canadians' language rights and stated that he will continue to show vigilance and exert pressure in this matter.

In its fight against the deficit the federal government had made efforts to reduce public expenditures. Consequently funds earmarked for the official language minority communities have been considerably reduced in recent years. The impact of these budget cuts was the first subject of the appearance of representatives of the FCFAC in the fall. Its President, Gino LeBlanc, made a heartfelt appeal to the federal government, asking not only for an end to the cuts but also substantial budget increases for all activities related to official languages. The members of the Committee were attentive to his plea.

At the last session of the year representatives of the English-speaking community of the Eastern Townships, the Townshippers' Association, expressed similar sentiments and deplored the scarcity of available funds from Canadian Heritage. The witnesses pointed out the problems their community has to cope with; over the years it has developed an impressive network of institutions which has since deteriorated considerably. They invited the government to review the criteria for allocating funds to take new realities into account.

The Association des juristes d'expression française de l'Ontario informed the Committee of its concerns regarding the Contraventions Act. The problem dates back to 1992, when the federal Parliament adopted this Act to simplify procedures for the prosecution of non-criminal offences punishable on summary conviction. In subsequent amendments Parliament authorized the federal Minister of Justice to sign agreements with the provinces and territories and even with municipal or local authorities to allow these jurisdictions to prosecute offences against the federal statutes in question. AJEFO complained that the Contraventions Act does not guarantee the preservation of language rights when the provinces, territories or municipalities take responsibility for the prosecution of federal offences. AJEFO representatives referred to a complaint made to the Commissioner and the latter's report, which confirmed, in their view, that Justice Canada had not taken into account its obligations under the Official Languages Act.

## **HEALTH AND SOCIAL SERVICES**

The area of health services continued to concern the official language minority communities. The debate about the future of the Montfort Hospital in Ottawa remained in the forefront of the news. The SOS Montfort Committee decided to challenge the validity of the Health Services Restructuring Commission's decision in court. While this action was being taken the Commissioner pursued his efforts, together with other interested parties, to turn the Montfort Hospital into a centre for the training of French-speaking health professionals for minority communities across the country.

The debate on the future of the Montfort Hospital prompted all the French-speaking minority communities to check on the availability of health services in their language. Last July the FCFAC asked the Ministerial Conference on Francophone Affairs meeting in Whitehorse to look into the problem of health care in French. This conference, which brings together representatives of the federal, provincial and territorial governments, agreed to study the situation with regard to the training in French of health professionals and to examine the provision of health care in French. Quebec attended this conference as an observer.

Early in the summer the FCFAC published a study entitled *Gardons notre santé : étude sur le dossier de la santé chez les francophones et Acadiens*, which summarizes the situation with respect to health services in French-speaking communities in the provinces and territories other than Quebec. It found that health services in French are rarely available outside New Brunswick and Ontario. Even in these two provinces, and particularly in Ontario, there are major deficiencies. The report notes, however, that given the scattered nature of the communities it is difficult to put highly specialized services in place all across Canada. First- and second-line services should, however, be available in French in the vast majority of the communities. The report proposes the creation of regional Francophone health boards to be responsible for introducing and administering such services.



(In January 1999 the federal government awarded the University of Ottawa \$10 million for the training in French of 30 doctors and 60 health professionals in other disciplines over the next five years.)

In Quebec the availability of health services in English continues to be of concern to the English-speaking community. When renewal for the regional health boards' access plans for services in English was due, which is provided for in existing legislation, the government sought the advice of the Office de la langue française and asked the regional boards to revise the plans. At the end of the year the government had still not approved or unveiled these plans. The community was preparing to apply to the courts.

In Manitoba Mr. Justice Richard Chartier, in connection with a study on the quality of services in French commissioned by the Minister of Health and Minister responsible for French Language Services, Darren Praznik, recommended that St. Boniface General Hospital be designated as the Winnipeg hospital responsible for providing services in French. (See Part IV, Chapter 2 for more information.) Mr. Justice Chartier pointed out that at present the lack of bilingual staff makes it impossible for this hospital to provide quality service in French although a large percentage of its patients come from French-speaking communities.

## COMMUNITY DEVELOPMENT

### Some agreements to be renewed, others to be developed

For the past four or five years Canadian Heritage has concluded multi-year funding agreements with associations representing the official language minority communities in each province and territory. These agreements should, in theory, enable the communities to better plan their activities and distribute the funds among the various agencies, based on priorities set by the communities. The Canada-Community agreements are intended to promote greater consultation among the various community partners, greater autonomy for the communities, better allocation of resources and greater diversification of sources of funding. However, this new approach coincides with a reduction in the funds available. The agreements expire on March 31, 1999; it is therefore time to look at the record.

There has been progress with regard to the first two objectives but achievements are less tangible in terms of the last two. The communities and the Department, which want to pursue the experiment, have begun negotiations for the signing of new five-year agreements. The FCFAC has been given a mandate by its members to develop a reference framework to be used by all the communities. This document would provide the guidance required by each of the associations involved in the negotiations and would highlight the principle issues. Among other things, the communities would like a simplified administration of the agreements, a considerable increase in funding, an improvement in interdepartmental co-operation and a more active role played by

Canadian Heritage in this area. As we went to press the level of funding available for the next five years had not yet been announced.

The experience, although imperfect, of the Canada-Community agreements encouraged the communities to explore the possibility of adopting similar mechanisms in other sectors of activity. Accordingly, on March 20, during the ceremonies marking La Journée de la francophonie, the National Committee for Canadian Francophonie Human Resource Development signed a letter of understanding with the federal government. The Committee's mandate is to "provide advice to guide the policies, programs and services of federal agencies who are parties to the agreement in order to ensure that they enhance the vitality and development of the French-speaking minority communities." (*Our translation*) The committee is active in co-ordination, information, liaison, research and development. The letter of understanding is all the more important in that it was initiated by a group of federal institutions. Previous agreements had been signed after discussions with Human Resources Development Canada but the signatories of the current agreement also include the Atlantic Canada Opportunities Agency, Agriculture and Agri-Food Canada, the Canadian Business Development Bank, the Department of Western Economic Diversification, Industry Canada, Canadian Heritage, the Treasury Board Secretariat and Public Works and Government Services Canada.

Last May 29 a similar letter of understanding was signed between the Human Resources Development Canada and the Quebec Community Groups Network. The Department is the only signatory on the federal side, unlike the agreement signed with the organizations representing the French-speaking minority communities. It would be advisable, in the near future, for this agreement to include a number of federal institutions among its signatories.

On June 6 the Fédération culturelle canadienne-française signed a multiparty co-operation agreement with Canadian Heritage, the National Arts Centre and the Canada Council for the Arts to promote the cultural and artistic development of Canada's Francophone and Acadian communities. This three-year agreement is intended to establish a framework for co-operation and to set down specific commitments to support the cultural and artistic development of the communities by promoting the creation, production, promotion and dissemination of cultural and artistic works and products. The agreement, which focuses on project funding, is intended to be a flexible and open-ended instrument for co-operation, with priorities being reviewed annually. Although its scope is modest and its priority is project funding the agreement should in future promote the development of intervention strategies for the entire sector and include other federal partners.

### **New directions?**

The aspirations and concerns of the official language minority communities evolve in pace with social, economic and political change. To fully understand these changes the FCFAC held a consultation with a representative sample of active members of Francophone associations, university professors, journalists and ordinary people, both French-speaking and English-speaking. Various approaches were used to gather data: documentary research, questionnaires, individual interviews, focus groups. These consultations enabled the identification of priority themes for the majority of those consulted: bilingualism, multiculturalism, the Quebec issue, the constitutional file, the role of governments and transfers of power, education and health care, assimilation and the financial autonomy of the communities. The FCFAC hopes to supplement this initial effort by launching a wider public consultation in 1999 which might lead it to change its approach.

### **Interprovincial migration: Movement westward**

In April Statistics Canada published data from the 1996 census on interprovincial migration. The behaviour of members of the official language minority communities in this regard is similar to that of members of the majority communities. The data on mobility and migration show that all the provinces except Prince Edward Island, Alberta and British Columbia have negative net migration; in Yukon the impact of migration was positive but in the Northwest Territories it was negative.

The official language minority communities are also moving west. British Columbia, Alberta and Yukon are the main beneficiaries of these migrations. British Columbia, which was the favoured destination, received over 10,000 new Francophones for a net gain of nearly 6,000 mother-tongue French speakers. Alberta and Yukon showed net gains of 350 and 665 persons. In the other provinces only Prince Edward Island's French-speaking community benefited from interprovincial migration, with 320 more persons arriving than departing. In Quebec the net loss for the population as a whole was some 37,000 persons; slightly over 24,000 of these declared English as their mother tongue.

In general, among both Anglophones in Quebec and Francophones in the other provinces and territories, those most likely to move are men and women from 24 to 29 years of age. People who have a university degree are by far the most mobile. In a period of profound social and economic changes citizens must adapt to new realities. For a growing number of Canadians such adaptation may mean major moves.

### **Implementation of Section 23: Choices for parents**

With the gradual implementation across Canada of the constitutional provisions on the right to instruction in the minority language, more and more French-speaking parents living in

provinces and territories other than Quebec can enrol their children in instructional programs provided in French-language schools. We readily acknowledge that the situation is not perfect since some groups of parents are still attempting to win recognition for their rights in the courts. The very future of French schools clearly depends on the willingness of parents to enrol their children. According to the available data a large number of parents who could by virtue of their constitutional right enrol their children in a French school have still not done so. To gain a better understanding of the situation we commissioned a study of the reasons why parents with the right to education in French decide to enrol or not to enrol their children in a French school.

The purpose of this study, involving focus groups in Vancouver, Calgary, Sudbury and Halifax, was to determine perceptions and the psychological, political and economic factors that prompt French-speaking parents outside Quebec to exercise or not to exercise their right to a French school. The study isolated 10 factors that prompt parents to choose a French school: identification with the French community and culture, desire to preserve the French cultural heritage, high value placed on the French language, desire to maintain close relations with the extended family, importance of knowledge of both official languages and certainty that French school leads to bilingualism, conviction that instruction in French is not detrimental to other subjects, assurance that students can acquire a good knowledge of English, high value placed on a French living environment, reputation of the school and agreement by exogamous families to adapt to the French school. As many negative influences were identified. The study helped to outline possible avenues for intervention by governments, school authorities and community agencies.

### **LA FRANCOPHONIE IN THE LIMELIGHT**

Nineteen ninety-nine will be marked by two international events important to all the Francophone and Acadian communities of Canada: the holding of the eighth Francophone Summit in Moncton in September and of the second Acadian World Congress in Louisiana; the country of the Cajuns will thus be able to display and share its cultural heritage. The event is part of *FrancoFête louisianaise*, which will celebrate the tricentenary of the discovery in 1699 of the mouth of the Mississippi by Pierre Le Moyne d'Iberville. The first congress, which was held in Acadia in August 1994, was a great success.

The federal government has proclaimed 1999 the Year of La Francophonie canadienne. This celebration has three objectives: to strengthen ties between Francophones of all provinces and territories, to strengthen ties between Francophones and Anglophones and to promote the benefit of the Canadian Francophone presence nationally and internationally. During the year a host of activities will be organized along these themes.

Preparations for the Francophone Summit are in full swing. In May the Premier of New Brunswick, Camille Thériault, accom-



panied by the federal Minister for International Co-operation and Minister responsible for the Francophonie, Diane Marleau, and Quebec's Minister for International Relations and Minister responsible for the Francophonie, Sylvain Simard, officially opened the offices of the Francophone Summit in Moncton. In September the summit's flag was raised in front of Moncton's city hall; it will fly there until the completion of the Summit's work.

Around the Summit, which will bring together heads of state and of governments, many events of international scope will take place involving a large number of professional organizations. In the course of the year Canada will be host to various colloquiums, symposiums, forums and professional meetings. This will be a unique opportunity for Canada's Francophones to exchange information on various aspects of their reality with the international community. Canada is called on to play a vital role in the international Francophonie, as witness the establishment of a Bureau francophone de la coopération internationale within the FCFAC. This bureau will promote Canadian participation, whether individually or through associations, institutions or businesses, in the development activities of the worldwide Francophonie.

## 2. LANGUAGE RIGHTS

### DECISIONS AND PROCEEDINGS INVOLVING THE OFFICIAL LANGUAGES ACT

Under Subsection 77(1) of the Official Languages Act (the Act) any person who has made a complaint to the Commissioner in respect of a right or duty under the Act may, under certain conditions, apply to the Federal Court (Trial Division) for a remedy. Such applications are heard and determined in a summary manner. Evidence is introduced in the form of affidavits. If the Federal Court concludes that a federal institution has failed to comply with the Act it may grant such remedy as it considers appropriate and just in the circumstances. It should be noted that the remedy provided for in Part x does not abrogate or derogate from any other right of action a person may have.

While the Commissioner may not apply for such a remedy on his own authority he may do so on behalf of and with the consent of a complainant under Subsection 78(1) of the Act. The Commissioner may also seek leave to intervene as a party to an existing proceeding.

Since the legislative provisions concerning this court remedy came into force on September 15, 1988, the Commissioner has made eight applications to the Federal Court with the consent of complainants.<sup>3</sup> Five such applications are still pending.<sup>4</sup> There are also 11 ongoing applications initiated by complainants.<sup>5</sup> In

<sup>3</sup> *Commissioner of Official Languages v. Air Canada*, T-2443-90; *Commissioner of Official Languages v. Via Rail Canada Inc.*, T-1389-91; *Commissioner of Official Languages v. The Queen (Human Resources Development)*, T-1601-94; *Commissioner of Official Languages v. The Queen (National Defence and Chief of Defence Staff)*, T-2857-96; *Commissioner of Official Languages v. Air Canada*, T-1989-96; *Commissioner of Official Languages v. Air Canada*, T-2043-96; *Commissioner of Official Languages v. Air Canada*, T-2536-96; *Commissioner of Official Languages v. The Queen et al. (Justice Canada)*, T-2170-98.

<sup>4</sup> *Commissioner of Official Languages v. Via Rail Canada Inc.*, T-1389-91; *Commissioner of Official Languages v. Air Canada*, T-1989-96; *Commissioner of Official Languages v. Air Canada*, T-2043-96; *Commissioner of Official Languages v. Air Canada*, T-2536-96; *Commissioner of Official Languages v. The Queen et al. (Justice Canada)*, T-2170-98.

<sup>5</sup> The following proceedings commenced by complainants in the Federal Court of Canada under Part x of the Act were in progress on December 31, 1998: *Stockus v. CBC et al.*, T-1677-94; *Tessier v. The Queen (National Defence)*, T-2855-94; *Leduc v. The Queen (Foreign Affairs and International Trade Canada)*, T-1953-94; *Lavigne v. The Queen (Human Resources Development Canada)*, T-1977-94 (A-913-96); *Rogers v. The Queen (National Defence)*, T-2712-95; *Dupuis v. The Queen (Human Resources Development Canada)*, T-2153-95; *Leblanc v. The Queen (National Defence)*, T-2367-96; *Gagnon v. The Queen*, T-537-96; *Duguay v. The Queen (National Defence)*, T-1874-97; *Rogers v. Attorney General of Canada (Correctional Service of Canada)*, T-195-97; *Gauthier v. Minister of National Revenue*, T-1049-98.

each of these applications the Commissioner was either named as a third party or was granted intervenor status.

### Applications initiated by the Commissioner

The Commissioner has filed one new application under Paragraph 78(1)(a) of the Official Languages Act with the consent of a complainant since last year's Annual Report.<sup>6</sup>

#### The Contraventions Act

This proceeding is further to a complaint filed against the Department of Justice. It involves the Contraventions Act, which was passed in 1992 and amended in 1996. The complainant claimed the Department had not taken the necessary measures to protect the public's language rights in enacting and applying the statute and associated regulations. Moreover, it was claimed the Department had not met its undertaking under Part VII of the Act to consult the French linguistic minority communities. After holding an investigation the Commissioner found for the complainant and submitted five recommendations to the Department. He then followed up on the implementation of the recommendations and concluded that the Department had not taken adequate action on them. The complainant asked the Commissioner to apply for the court remedy under the Act. The relief sought in the application filed with the Federal Court (Trial Division) on November 20, 1998, includes the following:

- I. A declaration against the defendants, the Government of Canada and Her Majesty the Queen as represented by the Attorney General of Canada and the Department of Justice of Canada (hereinafter "the defendants"), stating:
  - (a) that the defendants are subject to the Act and all the obligations and commitments provided for therein, notably in Parts IV and VII and in the Official Languages (Communications with and Services to the Public) regulations, SOR/92-48, *The Canada Gazette*, Part II, Vol. 136, No. 1 (16 December 1991) at 2136 (hereinafter the regulations);
  - (b) that the defendants, either directly or through third parties acting on their behalf within the meaning of Section 25 of the Act, are not respecting the language-related obligations incumbent upon them by virtue of Part IV of the Act when they apply the Contraventions Act, S.C. 1992, c. 47 (as amended by S.C. 1996, c. 7) and the regulations thereunder, including the Application of Provincial Laws regulations, SOR/96-312, *The Canada Gazette*, Part II, Vol. 130, No. 14 (10 July

1996) at 2116 (hereinafter the Application of Provincial Laws regulations);

- (c) that the defendants have not respected their language-related commitments under Part VII of the Act in enacting and applying the Contraventions Act and the regulations thereunder, including the Application of Provincial Laws regulations; and
- (d) that the Act, in particular Part IV, takes precedence over inconsistent provisions of the Contraventions Act, including Sections 65.1, 65.2 and 65.3 and the Application of Provincial Laws regulations enacted thereunder.

II. An Order compelling the defendants, *inter alia*, and within such time as the Court shall determine:

- a) to take all necessary measures, in enacting and applying the Contraventions Act and all regulations thereunder, to enable the public to communicate with them and obtain services from them in either official language, in the National Capital Region and anywhere else in Ontario where there is significant demand for the use of that language, in accordance with Part IV of the Act;

and in this regard, wherever the Act and the regulations thereunder provide that Part IV is applicable, notably where there is "significant demand" or where the "nature of the office" so warrants, to ensure that members of the public can communicate with the defendants in the official language of their choice outside the courts, whether directly or with third parties acting on behalf of the defendants according to S.25 of the Act, in the context of prosecutions on behalf of Canada under the Contraventions Act;

- b) to take all necessary measures to comply with the letter and spirit of Part VII of the Act when they enact and apply the Contraventions Act or any of the regulations thereunder,

and in this regard, that the defendants amend such provisions of the Contraventions Act, regulations thereunder, and any relevant agreement, as will ensure that language rights similar to those guaranteed by Part XVII of the Criminal Code, R.S.C. 1985, c. C-46, are respected,

and in this regard, that the Department of Justice initiate consultations with Ontario's official language minority before entering into agreements with the Government of Ontario or any provincial, municipal or local authority under Section 65.3 of the Contraventions Act, in order to assess the impact of any agreement on the language rights of members of the Franco-Ontarian public,

<sup>6</sup> *Commissioner of Official Languages v. The Queen et al.* (Justice Canada), T-2170-98.



and that the Department of Justice take measures so that existing and future agreements made under Section 65.3 of the Contraventions Act provide that language rights similar to those guaranteed by Part XVII of the Criminal Code and, where applicable, by Part IV of the Act, shall be respected in prosecutions on behalf of Canada for contraventions of federal enactments in Ontario.

III. Such further relief as the Court deems appropriate and just to order under Subsection 77(4) of the Act and Rule 53 of the Federal Court Rules, 1998, to ensure, having regard to the circumstances, that the defendants comply with the Act.

The Commissioner filed his evidence in support of the application in December 1998. The Department confirmed its intent to defend the application and is expected to file its reply evidence in early 1999. The Association des juristes d'expression française de l'Ontario filed its notice of appearance as a party on December 18, 1998, and intends to file its evidence by mid-January 1999.

#### Services offered by Via Rail Canada in the Montreal-Ottawa-Toronto triangle

The subject of this proceeding, commenced by the Commissioner against Via Rail Canada,<sup>7</sup> is the availability of English and French services on trains operating between Montreal, Ottawa and Toronto and in stations along those routes where significant demand exists. One of the fundamental problems of the recourse was the fact that Via Rail claimed that it could not assign the necessary bilingual staff because of the principle of seniority. The Commissioner has always maintained that the application of the Official Languages Act cannot be subordinated to contractual agreements. The parties have held numerous discussions in an effort to settle the dispute.

During the past year Via Rail has made significant changes to the make-up and responsibilities of its work units. The company abolished the position of conductor and created a new bilingual position, that of service manager. These measures were taken to improve the offer and delivery of French-language services on trains travelling the Montreal-Ottawa-Toronto triangle. Via Rail has designated a certain number of bilingual positions on these routes; this is why there is now at least one designated bilingual position in each coach and club car. The company tells us that during the past six months between 98% and 100% of these bilingual positions have been filled with bilingual employees.

At the beginning of 1999 the Commissioner will have the opportunity to determine the appropriateness of pursuing the case

launched under the Act, in light, notably, of the results provided by Via Rail and the audit of the service which he undertook in the fall of 1998.

#### Ground services offered by Air Canada at Lester B. Pearson International Airport in Toronto

In our review of language rights in 1996 we indicated that the Commissioner had filed court applications against Air Canada related to the lack of two-language services at Lester B. Pearson International Airport in Toronto.<sup>8</sup> Complaints in this regard date from March, April and October of 1994. Following receipt of the latter complaint the Commissioner had undertaken an investigation of the situation in Toronto with a view to determining what deficiencies needed to be addressed and corrected. He informed the complainant of his intention in this regard, indicating further that the file on the latter complaint would be closed pending the completion of the investigation. The in-depth investigation of the situation was completed and a final report issued on July 16, 1996. Because of Air Canada's failure to implement his recommendations the Commissioner received the consent of the complainant on September 10, 1996, to initiate court action.

Lawyers for Air Canada ultimately raised a number of procedural objections to the application of the Commissioner to the Federal Court. They argued that the complaints on which the Commissioner bases his application are contained in files which have been closed. In their view a "closed" file removes any possibility of the complainant giving consent to the initiation of court action (within the meaning of Section 78). They further argued that the investigation undertaken by the Commissioner constitutes an investigation begun on his own initiative which cannot, in and of itself, be the basis for an application to the Federal Court. Finally, they argued that the time limit of 60 days for filing an application, which runs from the moment a report on the results of an investigation is made to a complainant, had not been met by the Commissioner. The Federal Court has now rejected these procedural arguments.<sup>9</sup>

With respect to the status of a "closed" file the court indicated that it meant, in the circumstances, that the Commissioner had received assurances from the institution under investigation that it would take steps to remedy the situation. However, had those steps proven unsatisfactory the "closed" file would have been reopened and the investigation of the complaint continued. The term was purely administrative and not directly related to the wording of the Act. As the court indicated:

<sup>7</sup> *Commissioner of Official Languages v. Via Rail Canada Inc.*, T-1389-91. In addition, see the Commissioner's 1992 Annual Report at p. 80.

<sup>8</sup> See *Language Rights* in 1996, pp. 6-7. See also the Commissioner's 1995 Annual Report, at p. 33.

<sup>9</sup> *Commissioner of Official Languages v. Air Canada*, Federal Court of Canada, June 25, 1998, T-2043-96.

The Commissioner is a linguistic ombudsman who must attempt to settle questions brought to his attention out of court, particularly systemic problems. When he has made recommendations but the institution has failed to act thereon, the Commissioner conducts a follow-up and makes comments or a new recommendation pursuant to subsection 64(2).

He may accordingly "close" or "reopen" files where appropriate and use an accumulation of complaints to establish proof of a systemic problem at an institution.<sup>10</sup>

The second procedural roadblock raised by Air Canada concerned the linkage of the Commissioner's in-depth investigation with the original complaints. While the Federal Court recognized that the Commissioner can commence court action only with the consent of a complainant, and hence that an application to the court must be related to a complaint, it rejected arguments that the in-depth investigation was an independent initiative of the Commissioner:

First, the Commissioner's investigation is clearly related to the 15 complaints already received in respect of 1994, and in particular the complainant's latest complaint, all of which are directly related to the lack of services in French at Lester B. Pearson International Airport in Toronto. Second, even if the complainant's file was "closed" in the bureaucratic sense of the word, it is still available to the Commissioner, who can use it as he sees fit and apply to the Court for a remedy with the complainant's consent if the consent is filed within sixty days, as set out in subsection 77(2) of the Act.<sup>11</sup>

In rejecting the various arguments of Air Canada the Federal Court also pointed out that Part x of the Act (related to court remedies) must be interpreted in light of the underlying objectives of the Act. In this regard it made reference to a previous decision of the Court to the effect that the Act "belongs to that privileged category of quasi-constitutional legislation" which reflects "certain basic goals of our society" and must be so interpreted "as to advance the broad policy considerations underlying it."<sup>12</sup>

On July 6, 1998, Air Canada filed an appeal from the Court's decision to dismiss its application. The parties have filed their appeal factums and requested that the Federal Court of Appeal set down a hearing date. The Court has not yet done so but the appeal should be heard in 1999. For his part, the Commissioner updated his evidence in support of his principal application in August 1998. As of late December 1998 Air Canada had not yet filed its evidence.

### Ground services offered by Air Canada at Halifax International Airport

Air Canada faces similar complaints regarding services offered at the Halifax International Airport and these have also led to an application by the Commissioner to the Federal Court.<sup>13</sup> In this case as well Air Canada has raised procedural arguments that challenge the scope of the proceedings to be conducted before the Federal Court. It argues that any proceedings under Part x of the Act (pertaining to court remedies) must relate only to the specific circumstances of a formal complaint. In other words, any remedy sought must relate directly to the specific deficiencies identified in a complaint. As a corollary to this Air Canada takes the view that any documentary evidence to be used at a hearing of an application by the Commissioner cannot be extraneous to the facts of a given complaint. Moreover, evidence related to events that occurred prior to December 16, 1992 (the date of adoption of regulations clarifying the meaning of "significant demand" for services), should not be admissible in the proceedings. To do otherwise, argues Air Canada, would introduce a retroactive element into the application of the Act. As to evidence related to other complaints about services at the Halifax International Airport which have already been investigated and for which reports have been completed Air Canada argues that such evidence is admissible only if the relevant files are currently active. If 60 days have elapsed from the issuance of a final report and no application by a complainant has been made to the Federal Court the complaint should be considered out of date and evidence related thereto should not be admissible in the current proceedings.

Three major issues were considered in the decision of the Federal Court<sup>14</sup> related to these procedural objections.

1. Do those documents filed by the Commissioner in support of this motion that concern similar complaints and related to all the ground services provided by Air Canada at Halifax International Airport exceed the scope of the remedy provided for in the Act?
2. May the Commissioner file complaints in evidence where the file has been closed?
3. May the Commissioner file complaints in evidence that relate to situations that occurred before the regulations came into force?

Air Canada's position, that only facts related to a specific complaint can be used when seeking a remedy under Part x, was found by the Federal Court to be "too narrow and...inconsistent with the general objectives of the Act and its remedial and quasi-constitutional nature."<sup>15</sup> Mr. Justice Dubé pointed out that

<sup>10</sup> *Ibid.* at Paragraph 10.

<sup>11</sup> *Ibid.* at Paragraph 18.

<sup>12</sup> *Canada (Attorney General) v. Viola*, [1991] 1 F.C. 373 (C.A.), at p. 386.

<sup>13</sup> *Commissioner of Official Languages v. Air Canada*, T-1989-96.

<sup>14</sup> *Commissioner of Official Languages v. Air Canada*, decision of the Hon. Mr. Justice Dubé, December 31, 1997, T-1989-96.

<sup>15</sup> *Ibid.* at Paragraph 16.



Section 79 of the Act allows a court, when considering an application under Part x, to “admit as evidence information relating to any similar complaint under this Act in respect of the same federal institution.” In referring to Section 79 the Court said:

This Section is one of a kind and does not appear in other similar legislation. Parliament’s intention is clearly to present the courts with a full context. I therefore agree with the Commissioner’s position that the remedy is not limited to certain types of ground services listed in [the complainant’s] two specific complaints but may apply to all ground services provided by Air Canada at the Halifax airport.

In my view, the purpose of Section 79 is to enable the Commissioner to prove to the Court that there is a systemic problem and that it has existed for a number of years. Unless all similar complaints are filed in evidence, the Court cannot assess the scope of the problem and the circumstances of the application.<sup>16</sup>

The Court also emphasized that the nature of complaints under the Act can vary considerably and thus affect the type of judicial remedy one might seek.

It should be borne in mind that while some complaints filed under the Act may be purely personal (i.e. a training course denied an employee in his or her language) other complaints affect the general public (i.e. travelers in a public airport) and open the door to other very material information from other complainants. In the instant case, the purpose of the Commissioner’s participation is not to obtain an apology from Air Canada in order to satisfy [complainant], but to ensure that Air Canada discharges its duties to the French-speaking travelling public.<sup>17</sup>

With respect to the issue of information contained in “closed” files the Court declared:

Nothing in the Act indicates that information in closed files, namely files already considered by the Commissioner, cannot be reconsidered in reviewing similar complaints in respect of the same federal institution. The closed files in question in the case at bar were apparently not closed to the satisfaction of the complainants. The fact that those complainants did not avail themselves of the court remedy available to them under Part x of the Act does not render the material information contained in their files irrelevant or inadmissible. The Act draws no distinction between complaints that are “open” and those that are “closed.”<sup>18</sup>

Air Canada’s arguments against the use of information relating to situations that predate the issuance of regulations defining the scope of “significant demand” for services were also rejected by the Court. Regardless of the date of issuance of the regulations Subsection 23(1) of the Act (in force since 1988) obliges federal institutions which provide services or make them available to the travelling public to do so in the official language of choice “where there is significant demand for those services in that language.” This statutory obligation was in effect before the actual issuance of the regulations and Air Canada being a federal institution to which the Act applies, was legally bound to respect it.

Accordingly, the Federal Court rejected the procedural objections of Air Canada to the scope of the remedy sought by the Commissioner and to the nature of the evidence he intends to submit. By notice dated January 12, 1998, Air Canada then filed an appeal in the Federal Court of Appeal from the decision of Mr. Justice Dubé. Air Canada dropped its appeal in December 1998. The Commissioner updated his evidence in support of his principal application in August 1998 but by December 31, 1998, Air Canada still had not filed its evidence.

### **The Commissioner’s reference application (language-related obligations of Air Canada’s regional carriers)**

As mentioned in last year’s Annual Report,<sup>19</sup> the Commissioner filed a reference in the Federal Court under Section 18.3 of the Federal Court Act<sup>20</sup> to determine the language-related obligations of Air Canada and its regional carriers.

Three questions are posed in the application filed by the Commissioner in the Federal Court on March 26, 1997:

- Are the regional carriers, which are wholly owned by Air Canada, which is itself subject to the Act pursuant to Section 10 of the Air Canada Public Participation Act, subject to the provisions of the Official Languages Act and specifically of Part IV thereof concerning services to the public, by virtue of Section 3 of the Act?
- If not, are the regional carriers other persons or organizations acting on behalf of Air Canada within the meaning of Section 25 of the Official Languages Act?
- If the answer to the second question is affirmative must Air Canada ensure that its regional carriers comply with the language obligations concerning services to the public to which it is subject, and what measures must Air Canada take to do so?

In response to the Commissioner’s reference application Air Canada filed a motion in the Federal Court to have the reference

<sup>16</sup> *Ibid.* at Paragraphs 17-18.

<sup>17</sup> *Ibid.* at Paragraph 21.

<sup>18</sup> *Ibid.* at Paragraph 23.

<sup>19</sup> 1997 Annual Report at p. 26.

<sup>20</sup> R.S.C. 1985, c. F-27.

dismissed on the basis that it did not meet the tests articulated by the Federal Court, which provide that:

- the issue must be one for which the solution can put an end to the dispute that is before the tribunal
- the issue must have been raised in the course of the proceedings before the tribunal that makes the reference
- the issue must result from the facts that have been proved or admitted before the tribunal
- the issue must be referred to the court by an order from the tribunal that, in addition to formulating the issue, shall relate the observations of fact that gave rise to the reference.

Last year the Commissioner noted that Madam Justice Tremblay-Lamer of the Federal Court concluded, with respect to the motion by Air Canada, that the four tests had been properly met in the Commissioner's application having regard to the circumstances in which the questions were referred to the Court.<sup>21</sup> Accordingly, Air Canada's motion was dismissed and the reference allowed to proceed.<sup>22</sup>

On July 18, 1998, Air Canada appealed the Court's decision to dismiss its motion.<sup>23</sup> The parties to the appeal, including the intervenor Attorney General of Canada, filed their appeal factums between November 1997 and January 1998. They filed joint books of authorities in fall 1998. Air Canada filed the request for a hearing of the appeal on October 22, 1998. As of late December 1998 the Federal Court of Appeal had not yet set down a date for the hearing. The reference can only proceed once the Federal Court of Appeal has disposed of Air Canada's motion to dismiss.

### Applications initiated by complainants

A complainant has commenced a new proceeding against the Minister of Revenue under Part x of the Act by way of a notice of application filed May 22, 1998.

#### *Gauthier v. Minister of National Revenue*

In *Gauthier v. Minister of National Revenue*<sup>24</sup> the applicant seeks a court order providing that Revenue Canada offices in Toronto must hire French-speaking employees to meet the demand of people who wish to be served in French, a declaration that the

applicant's audit was not conducted in accordance with the Act, an order setting aside the results of the audit, a formal apology and damages. The report of the Commissioner regarding the applicant's complaint (issued before these proceedings were commenced) was filed with the Court. These proceedings are at a preliminary stage and the hearing date has not yet been set down.

#### *Lavigne v. Human Resources Development et al.*

In the Commissioner's 1996 Annual Report, we reported on the decision of Mr. Justice Pinard of the Federal Court Trial Division in *Lavigne v. Human Resources Development et al.*<sup>25</sup> The Court in this case had determined that the applicant was entitled to \$3,000 in compensation for the significant inconvenience and loss of enjoyment of life caused by the violation of his language of work rights (under Part v of the Act) by his federal employer. The applicant was not, however, able to prove the causal link between the violation of his language of work rights and all of the other damages he was claiming. This decision was appealed by the applicant to the Federal Court of Appeal, which heard the case on May 11, 1998.

In its brief judgment the Federal Court of Appeal confirmed the wide discretion of the Trial Division, pursuant to Subsection 77(4) of the Act, to award the appropriate remedies, including damages, when the Act is not respected. The Federal Court of Appeal stated that it did not have any ground for intervention with regard to the trial judge's conclusions. Mr. Lavigne has subsequently sought leave to appeal to the Supreme Court of Canada. However, this application for leave was dismissed on December 17, 1998.

### INTERVENTIONS BY THE COMMISSIONER IN OTHER PROCEEDINGS RELATING TO THE STATUS OF ENGLISH AND FRENCH

Subsection 78(3) of the Official Languages Act provides that the Commissioner may apply for leave to intervene in any proceeding relating to the status or use of English or French. Over the years the Commissioner has been given leave to intervene in important cases, including cases concerning minority language education rights guaranteed by Section 23 of the Canadian Charter of Rights and Freedoms (the Charter).<sup>26</sup>

<sup>25</sup> [1997] 1 F.C. 305.

<sup>26</sup> *Reference re Manitoba Language Rights*, [1993] 1 S.C.R. 839 (Supreme Court of Canada), (1990), 67 D.L.R. (4th) 488 (Manitoba Court of Appeal); *Mahé v. Alberta*, [1990] 1 S.C.R. 342 (Supreme Court of Canada), (1987), 42 D.L.R. (4th) 514 (Alberta Court of Appeal); *Reference re Minority Language Educational Rights (P.E.I.)* (1988), 69 Nfld. & P.E.I.R. 236, 49 D.L.R. (4th) 499 (Prince Edward Island Supreme Court, Appeal Division); *Reference re Education Act of Ontario and Minority Language Education Rights* (1984), 10 D.L.R. (4th) 491 (Ontario Court of Appeal).

<sup>21</sup> 1997 Annual Report at p. 26.

*Reference by the Commissioner of Official Languages v. Air Canada*: decision on the application, July 9, 1997, Federal Court (Trial Division), T-541-97.

<sup>23</sup> *Reference by the Commissioner of Official Languages v. Air Canada*, Federal Court of Appeal, A-520-97.

<sup>24</sup> T-1049-98.



*Beaulac v. R.*

Since his 1997 Annual Report the Commissioner has been granted intervenor status on September 11, 1998 in *Beaulac v. R.*<sup>27</sup> At issue in this case is the interpretation of language rights in criminal cases, specifically the interpretation of Subsection 530(4) of the Criminal Code, which allows courts to remand a case for trial in the language of the accused, or a bilingual trial, after the time in which to apply for such trials under Subsection 530(1) of the Criminal Code has expired.

*Arsenault-Cameron v. Prince Edward Island*

In late 1998 the Commissioner was preparing to submit an application to the Supreme Court for leave to intervene in *Arsenault-Cameron*,<sup>28</sup> a case involving Section 23 of the Charter.

*L'Association des parents francophones de la Colombie-Britannique et al. v. The Queen (British Columbia)*

Language Rights in 1996<sup>29</sup> noted that the Supreme Court of British Columbia found in *L'Association des parents francophones de la Colombie-Britannique v. The Queen (British Columbia)*<sup>30</sup> that the Francophone Education Regulation was inconsistent with provisions of the School Act (since education should be provided through a school board and the Francophone Education Authority does not constitute a school board) and hence invalid on that basis alone.<sup>31</sup> Writing for the Court Mr. Justice Vickers set out the points on which the substantive provisions of the regulation infringe the constitutional rights guaranteed by Section 23 of the Charter. A number of regulatory provisions then in force governing school financing and restrictions on spending authority (applicable to the FEA) were found to fall short of the guarantees set out in Section 23. In addition, the Court noted that those charged with the management of French-language education were obliged to negotiate

as best they could with majority language school boards regarding the use of land and buildings necessary for the effective delivery of educational programs. The Court also ruled that Section 23 obliges provincial and territorial governments to enact, where numbers warrant, appropriate legislative mechanisms designed to implement minority language education rights. The fact that British Columbia had created a mechanism by way of regulations only was thus viewed as inadequate by the Supreme Court of British Columbia.

Following this decision the provincial government introduced legislative amendments to the School Act<sup>32</sup> which sought to implement the principles enunciated by the court. However, those who had initiated court action with respect to the inadequacy of the old regulations were dissatisfied with the legislative changes, in particular because they did not transfer ownership of specific stand-alone schools to the FEA nor provide for a dispute resolution mechanism applicable to negotiations with majority language school boards. Further court action was therefore commenced<sup>33</sup> seeking a declaration that the Province of British Columbia has an obligation under Section 23 of the Charter to:

- transfer, at no cost to the FEA, all existing stand-alone Francophone schools or their agreed-upon replacements, to the FEA
- transfer to the FEA proportionate ownership and equal co-management of all shared schools where there are not sufficient numbers to warrant stand-alone Francophone schools
- enact provisions, either by legislation or regulation, to allow for such immediate transfers and
- enact provisions creating a dispute resolution mechanism to address any disputes that may arise in (i) implementation and operation of the transfers of assets, (ii) the co-management of shared assets and (iii) lease negotiations of any facilities that are not transferred.<sup>34</sup>

With respect to the transfer and joint or sole use of assets necessary for the delivery of educational programs the amendments to the School Act provide that:

<sup>27</sup> *Beaulac v. R.*, application for leave to appeal to the Supreme Court of Canada granted May 7, 1998 (26416). Both the Attorney General of Canada and the Association des juristes d'expression française de l'Ontario as well as the Association des juristes d'expression française du Manitoba were also granted intervenor status.

<sup>28</sup> *Government of Prince Edward Island v. Arsenault-Cameron*; P.E.I. Supreme Court, Appeal Division; April 24, 1998, AD-0727; Charlottetown Registry, (1998), 160 D.L.R. (4th) 89, 162 Nfld. & P.E.I.R. 329 (C.A.), application for leave to appeal to the Supreme Court of Canada granted November 19, 1998 (26682.)

<sup>29</sup> Language Rights in 1996 at p. 13. In addition, see the August 1998 study of the Commissioner of Official Languages entitled *School Governance: The Implementation of Section 23 of the Charter* at p. 136.

<sup>30</sup> British Columbia Supreme Court, Vancouver Registry, A-890762.

<sup>31</sup> *L'Association des parents francophones de la Colombie-Britannique v. A. G. British Columbia et al.* (1996), 139 D.L.R. (4th) 356. For our summary, see Language Rights in 1996 at pp. 11-12.

<sup>32</sup> *School Amendment Act*, S.B.C. 1997, c. 52.

<sup>33</sup> In this second proceeding Mr. Justice Vickers granted intervenor status to the Commissioner, the Francophone Education Authority and two majority language school boards and allowed the plaintiffs to proceed by way of summary trial.

<sup>34</sup> *L'Association des parents francophones de la Colombie-Britannique et al. v. A. G. British Columbia et al.*, Mr. Justice Vickers, British Columbia Supreme Court, November 28, 1998, Vancouver Registry, 973287. (The Province of British Columbia did not appeal from this decision.) See paragraph 3 of judgment for the relief sought by the plaintiffs.

A Francophone Education Authority and a board may, with the prior approval of the Minister, enter into an agreement for the transfer of assets that are used by one of the parties but that are vested in the other party.

A Francophone Education Authority and the board of a school district located in the Francophone school district may, with the prior approval of the Minister, enter into an agreement for the purposes of

- (a) the construction, maintenance, operation and use of facilities, to be used jointly by the authority and the board or
- (b) contributing to the cost of construction, maintenance or operation of the facilities referred to in paragraph (a).<sup>35</sup>

The plaintiffs consider that these provisions fall short of a precise legislative scheme allowing for full implementation of Section 23 rights. They point out that majority language boards which have been in existence for a long time already have large asset bases whereas the FEA has none. This fact alone makes it imperative that immediate steps be taken to transfer equivalent assets to the FEA. The plaintiffs argue that in the absence of ownership the FEA will be driven to pay high rents, will lack any control over shared facilities and school programs will suffer from lack of permanence. The absence of any precise criteria in the legislation (the latter simply allowing for negotiations to take place) leaves the FEA at the mercy of majority language boards when attempting to negotiate ownership or use of stand-alone schools or when attempting to acquire appropriate space in shared facilities. The imbalance in negotiating strength is further exacerbated by the lack of any dispute-resolution mechanism under the School Act and regulations. In light of these deficiencies the plaintiffs consider that the province has failed to discharge its constitutional obligation to provide a precise legislative scheme to ensure the proper implementation of Section 23 rights.

Dealing first with the alleged substantive deficiencies in the School Act (the lack of precise legislative requirements applicable to the transfer of assets) Mr. Justice Vickers pointed out that the amendments to the Act allowing for the conduct of negotiations, when read together with Section 23 of the Canadian Charter of Rights and Freedoms, "place an affirmative obligation on government to ensure there is an appropriate conclusion to any agreement negotiated between a majority board and the CSF" (Conseil scolaire francophone, the French-language equivalent of FEA). Mr. Justice Vickers also felt it would be wrong to assume that any minister would exercise his or her discretion under the amendments to the School Act in an unconstitutional manner. Moreover, on the basis of the evidence before him he

concluded that negotiations had in fact identified which schools would constitute stand-alone French-language facilities and that transfer of title was under way. While he acknowledged that stand-alone facilities were preferable where numbers warrant, rather than shared facilities, he concluded that ownership of buildings was not the only way to ensure that management and control of minority language programs was vested in representatives of the minority community.

Ownership of a facility, in whole or in part, is not the only way to provide for management and control of a school program. It is extremely difficult to see how the use of 25 per cent of a facility and the consequent transfer of 25 per cent ownership in the land and physical structure would do anything to ensure better management and control of a school program.

For these reasons, I have concluded that failure to provide for ownership of school property, in whole or in part, does not mean the legislation is flawed. A precise legislative scheme need not provide for the transfer of schools or the joint ownership of schools. In the end, it may be that flexibility on the issue of ownership would serve the parties in a better way.<sup>36</sup>

While the judge ruled that the permissive language of the amendments to the School Act relating to inter-board negotiations met constitutional standards he found that the lack of any dispute resolution mechanism under the Act was a fatal flaw in the negotiating process. Without such a mechanism the ability of the Francophone Education Authority to fulfil its mandate to develop, manage and oversee French-language educational programs could be seriously hampered.

The difficulty with the current legislation is that the Province of British Columbia has left the minority, the CSF, to deal directly with the majority's school boards. The role of the Province as an active promoter of linguistic and cultural rights for the Francophone minority is absent from the legislative scheme.

The legislation leaves the CSF in the unenviable position of operating in a vacuum, not knowing what the future holds other than a series of negotiations with majority boards and an offer by the Province *to call us if you need us*.<sup>37</sup>

In other words, the imbalance in negotiating strength would place the FEA at a constant disadvantage which the absence of a dispute resolution process would only exacerbate. The judge therefore concluded that not only must such a process be provided for under the legislation or regulations but the parties to the process must include representatives from the Ministry of Education. While the judge made it clear that he was not defining the

<sup>35</sup> Section 166.29 of the *School Act*; reproduced at Paragraph 22 of the judgment.

<sup>36</sup> Paragraphs 46-47.

<sup>37</sup> Paragraphs 54-55.



details of the dispute resolution process to be chosen by the province his order disposing of the application before him emphasized that the Ministry of Education must be a party to any such process, in addition to the FEA and any majority language school board involved in given negotiations. He further ordered that disputes in the following areas should be settled by a tripartite dispute resolution process:

1. implementation and operation of the transfer of assets
2. the co-management of shared assets
3. lease negotiations of any facilities that are not transferred and
4. any other dispute that may arise between the CSF and a majority school board.<sup>38</sup>

### *Séguin et al. v. Ontario*

Last year the Commissioner noted that *Séguin et al. v. Her Majesty the Queen in right of Ontario*<sup>39</sup> ultimately had not gone to trial in 1997. The education reforms proposed by the Ministry of Education (Bill 104, which among other things provided for the establishment of 11 [subsequently 12] French-language school boards, and Bill 160, which provides for the implementation of educational reforms through the Education Improvement Commission) prompted the parties to adjourn the proceedings until January 1998. The purpose of this delay was to allow the parties to assess the impact of the reforms on the issues stated in this case, which sought to have a French-language Catholic school board established (Bill 104 established the Conseil scolaire catholique francophone de Prescott-Russell/Stormont-Dundas-Glengarry as of January 1, 1998). In addition, this application challenged the inadequate funding of French-language instruction (dealt with in part by Bill 160). The Commissioner has been granted intervenor status in this case in order to present clarifications regarding the interpretation of Section 23 of the Charter and the manner in which it should be implemented.

On December 2, 1998, Mr. Justice Roy presided over a telephone conference between the parties. The purpose of the conference was to determine whether the Ontario Court (General Division) should try the disputed issues as framed in the original pleadings and subsequently amended. The parties wanted to clarify whether the issues should be considered settled or moot by reason of significant amendments to the education laws involved in the proceedings. As far as the creation of a French-language school board for the Stormont-Dundas-Glengarry districts is concerned the parties agreed that in principle the establishment, effective January 1, 1998, of the Conseil scolaire catholique fran-

cophone de Prescott-Russell/Stormont-Dundas-Glengarry settled the first question concerning the minority language community's right to govern its schools. As to the second point, namely the community's right to fair public educational funding, the parties agreed to adjourn the case *sine die*. This decision, ratified by the Court, is based on the fact that another constitutional challenge before the Ontario Court of Appeal has once again called provincial educational funding legislation into question.<sup>40</sup>

### *Société des Acadiens et Acadiennes du Nouveau-Brunswick et al. v. The Governor in Council et al.*

Last year the Commissioner mentioned that he was granted leave to intervene in *Société des Acadiens et Acadiennes du Nouveau-Brunswick et al. v. The Governor in Council et al.*<sup>41</sup> on April 29, 1997. The case involves the interpretation of Sections 3 and 15 of the Charter. The proceedings are still at a preliminary stage; the parties are preparing their proof and conducting examinations.

### *Devinat v. Immigration and Refugee Board*

In 1996<sup>42</sup> the Commissioner reported that he had been granted intervenor status in *Devinat v. Immigration and Refugee Board*.<sup>43</sup> The case is about the statutory obligation of federal courts and quasi-judicial tribunals to issue their decisions in both official languages. Section 20 of the Act requires a decision to be made available either simultaneously in both English and French or as soon as possible after its original issuance, depending on the circumstances. Simultaneity is required if:

- a) the decision, order or judgment determines a question of law of general public interest or importance or
- b) the proceedings leading to its issuance were conducted in whole or in part in both official languages. (Subsection 20(1) of the Act).

<sup>40</sup> *Ontario English Catholic Teachers Association et al. v. Ontario (A.G.) et al.*, Ontario Court of Justice (General Division), 97-CV-137668 and 98-CV-139317. Judgment of Mr. Justice Cumming of July 22, 1998. Appeal heard November 17, 1998, decision pending.

<sup>41</sup> Language Rights in 1997 at p. 8.

<sup>42</sup> Language Rights in 1996 at p. 10.

<sup>43</sup> Federal Court of Canada (Trial Division) T-2062-96. Judgment rendered by Mr. Justice Nadon, May 1, 1998. Prior to the filing of this case the plaintiff had made a formal complaint to the Commissioner (June 7, 1995) alleging that the Immigration and Refugee Board was in breach of Section 20 of the Act for failing to ensure that all its decisions were routinely available in both official languages. While a draft report arising from this complaint was prepared and the preliminary views of the Commissioner were communicated to the IRB the Commissioner decided subsequently to undertake a study regarding the manner in which Parts III and IV of the Act (which include Section 20) have been implemented by federal courts and quasi-judicial tribunals. Further work on the investigation has thus been suspended until the completion and publication of the study.

<sup>38</sup> Paragraph 59.

<sup>39</sup> *Séguin et al. v. Her Majesty the Queen in right of Ontario) et al.*, Ontario Court (General Division), 3831-92.

However, where a question of law of general public interest or importance is involved the court or quasi-judicial tribunal may waive the strict rule of simultaneity if such a requirement would occasion a delay prejudicial to the public interest or result in an injustice or hardship to any party to the proceedings. In such cases a decision may be made available initially in one official language with a version in the other official language to follow at the earliest possible time. All remaining decisions not subject to the rule of simultaneity are also required to be made available in the other official language at the earliest possible time following their unilingual issuance (Subsection 20(2) of the Act).

The general statutory duty to make decisions available in both official languages at the earliest possible time following their unilingual issuance (as allowed under the Act) is central to the proceedings in *Devinat v. Immigration and Refugee Board*. Decisions of the Board made available to the public (following the removal of all personal information) are normally issued only in the language in which they were rendered. In other words, the IRB does not make its accessible decisions routinely available to the public in both official languages. However, where a specific request is made by a member of the public to gain access to a unilingual decision in the other official language it is IRB policy to provide a translation within 72 hours. A notice to this effect is now included in a bi-monthly IRB publication (*Reflex*) which makes available both to members of the Board and to the public bilingual summaries of recent decisions thought to be of interest and significance. The decisions summarized in *Reflex* are available at IRB offices and accessible from electronic databases such as Quicklaw in the official language in which they were issued.

The plaintiff in the *Devinat* case takes issue with the IRB policy of providing a translation of decisions accessible to the public only upon specific request.<sup>44</sup> Maintaining that this does not satisfy the statutory requirement that a decision issued by a federal court or quasi-judicial tribunal in only one official language be thereafter issued in the other official language "at the earliest possible time" the plaintiff made application to the Federal Court (September 17, 1996) for an order in the nature of mandamus requiring the IRB to translate all unilingual decisions issued since

the IRB's creation into the other official language. The Commissioner applied for and was granted intervenor status on May 5, 1997.

The judgment of the Federal Court distinguishes two separate dimensions inherent in the application brought by the plaintiff: (i) the legal standing of Mr. Devinat to bring his action in the first place, as well as the jurisdiction of the Federal Court and the validity of mandamus as a remedy, and (ii) the actual scope of institutional obligations arising under Section 20 of the Act. With respect to the first dimension Mr. Justice Nadon took note of the fact that Part x of the Act provides that a complainant under the Act may apply for a court remedy if not satisfied with the results of an investigation but only with respect to matters related to specific sections of the Act:

Any person who has made a complaint to the Commissioner in respect of a right or duty under sections 4 to 7, sections 10 to 13 or Part IV or V, or in respect of section 91, may apply to the Court for a remedy under this Part. (Subsection 77(1) of the Act)

Since Section 20 of the Act (found in Part III) is not included within the scope of Subsection 77(1) the plaintiff could not use it to establish his standing to bring an application before the Federal Court. It was for this reason that he based his application upon provisions found in Subsection 18.1(1) of the Federal Court Act:

An application for judicial review may be made by the Attorney General of Canada or by anyone directly affected by the matter in respect of which relief is sought.

With respect to remedies Subsection 18.1(3)(a) provides that the Federal Court (Trial Division) may "order a federal board, commission or other tribunal to do any act or thing it has unlawfully failed or refused to do or has unreasonably delayed in doing." The plaintiff contends that the provisions under Section 18.1 of the Federal Court Act are broad enough to found his action against the IRB. He further relies on Subsection 77(5) of the Act which explicitly preserves any rights of action which might exist independently of court remedies recognized under Section 77:

Nothing in this section abrogates or derogates from any right of action a person might have other than the right of action set out in this section.

In rejecting the arguments of the plaintiff on this point Mr. Justice Nadon emphasized that Subsection 77(5) of the Act does not confer any new right of action with respect to the implementation of the Act. It simply recognizes that rights of action unrelated to the implementation of the Act are to be preserved intact.

In my view, subsection 77(5) of the OLA [Official Languages Act] does not confer any new right of action on the applicant. Rather, it allows the applicant to keep or exercise any right of action or remedy when that right of action or remedy is relied on in proceedings other than proceedings under the OLA. In other words, the only possible remedies for any violation of

<sup>44</sup> The IRB has also developed a policy for identifying which of its decisions are sufficiently important to justify that they be translated and made available to the public simultaneously in both official languages (after removal of personal information). This policy relates to Subsection 20(1)(a) of the Act and establishes criteria for identifying a decision, order or judgment which determines a question of law of general public interest or importance. According to its policy this is the case where: (i) the decision involves a novel, compelling resolution of a legal issue and (ii) the resolution, given that legal issue, is likely to have a significant impact on the development of the substantive law or practice and procedure of the Division concerned. Where these two criteria are met a decision is purged of personal information, submitted for translation and then made available simultaneously to the public in both official languages.



the OLA's provisions are those provided for in the OLA, namely an application to the Federal Court under subsection 77(1) and a complaint to the Commissioner.<sup>45</sup>

With respect to an action based upon Section 18.1 of the Federal Court Act Mr. Justice Nadon pointed out that it must be related to the exercise of authority conferred by federal statute.<sup>46</sup> He further determined that the types of decisions of the IRB which were subject to judicial review under Section 18.1 concerned the determination of status of immigrants and refugees.

In my view, it is those decisions, which relate to an individual's immigration or refugee status, against which an application for judicial review may be made to the Federal Court under Section 18.1. It is those decisions that result from jurisdiction or powers conferred on the IRB by or under an Act of Parliament, namely the *Immigration Act*.<sup>47</sup>

The decision of the IRB to translate only those of its decisions which were the subject of a specific request for translation (or which raised a legal issue of general public interest) was thus not considered to be a matter for judicial review under Section 18.1 of the Federal Court Act.

While the Federal Court rejected the plaintiff's action for the above stated reasons it went on nonetheless to consider how Section 20 should be interpreted and whether the IRB had fulfilled its obligations thereunder. It found that IRB policy concerning the translation of its decisions only upon specific request (with the exception of that narrow range of decisions which, in its view, raised a legal issue of general public interest) had the net effect of ensuring that most IRB decisions would never be made available in both official languages. This conclusion, reasoned Mr. Justice Nadon, was incompatible with the statutory obligation of a federal tribunal to make its decisions available in the other official language "at the earliest possible time" following their original unilingual issuance. The clear wording of Section 20 could not be diminished by the institution of a policy of translation upon request. Nor could budgetary constraints be raised to justify a policy which was, on its face, in breach of the obligation under Section 20:

Budget cuts are not a valid reason for not discharging a statutory duty, any more than the fact that the IRB is the administrative tribunal that renders the greatest number of decisions in this country. The OLA is clear, and the only finding I can make is that the respondent is not complying with it.<sup>48</sup>

The plaintiff has appealed the trial level decision to the Federal Court of Appeal as that decision relates to the applicability of Section 18.1 of the Federal Court Act to the plaintiff's action, his standing to bring an action for breach of Section 20 of the Act and the appropriateness of a remedy in the nature of mandamus.<sup>49</sup> The Commissioner has applied for and been granted intervenor status before the Court of Appeal. Among other things, it is the intention of the Commissioner to argue that Part III (which includes Section 20) of the Act has primacy over all other Acts of Parliament (except the Canadian Human Rights Act) and that Subsection 18.1(3)(a) of the Federal Court Act is broad enough to establish the jurisdiction of the Federal Court to sanction any federal tribunal for failing to accomplish or perform any act it is legally bound to accomplish or perform.

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<sup>45</sup> *Ibid.* Paragraph 26 of judgment issued May 1, 1998.

<sup>46</sup> See Paragraph 28: "In my view, if the applicant in these proceedings can make an application under section 18.1 of the *Federal Court Act*, that application must relate to the exercise by the federal board, commission or other tribunal (here the IRB) of jurisdiction or powers conferred on it by or under an Act of Parliament."

<sup>47</sup> *Ibid.* Paragraph 30.

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<sup>48</sup> Paragraph 52.

<sup>49</sup> Appeal filed September 25, 1998; A-336-98, Federal Court of Appeal.



# THE COMMISSIONER, THE PUBLIC, FEDERAL INSTITUTIONS

## 1. THE WORLD OF OMBUDSMEN

For ombudsmen — also known as mediators or citizens' protectors — the past few years have been especially active ones. Countries all around the world, especially in Asia, parts of Africa and eastern Europe, have created ombudsman's offices. Like many countries before them they have acquired an important democratic tool that affords their citizens an effective way of ensuring that public authorities respect their rights. During this same period and with some differences but with the same basic goal of protecting the public new structures have been created in other service-delivery sectors — universities, banks, media and commercial or production firms — primarily in the Canada and the United States. Growth such as this gives rise to a host of questions and suggests specific approaches. Two points are of particular interest to the Commissioner of Official Languages as the ombudsman in linguistic matters.

### THE OMBUDSMAN AND THE TRIBUNAL

The ombudsman is a person appointed by a public authority whose independence is guaranteed by that authority; his or her role is to receive complaints about services from members of the public, to investigate those complaints and, where required, to recommend the necessary restitution or changes to the responsible institution. To that end the ombudsman makes the greatest possible use of mediation techniques, conciliation or dispute settlement, consultation, concerted efforts to find acceptable, viable solutions, persuasion, not imposition, and appeals to the principles of natural justice, not to arguments of a legal nature. In other words, he or she determines the best approach to the situation. The ombudsman's role differs from that of a tribunal, which settles differences using a formal process and renders an enforceable public judgment. The ombudsman's intervention is usually shorter and thus less costly, in all respects, than the tribunal process. Justice Canada, which is a pioneer in this area, recognized this reality when it launched its Dispute Resolution Fund. The goal of the program is "to provide... encouragement and assistance to departments in managing disputes effectively, with innovation and without resorting to litigation" in order to lighten the load on the courts and to provide a faster, less expensive procedure. The Auditor General of Canada concurs, writing in his September 1998 Report that, "The establishment [of a] mediation program could result in complaints being resolved sooner and with less cost."



It is obviously not a question of trying to establish the superiority of one or the other approach; each is suited to different and complementary circumstances, grounds and needs. Rather, it is a question of illustrating the ombudsman's *modus operandi* in order to give a clear picture of how the Office's approach compares. Like his fellow ombudsmen, the Commissioner's preferred work tools are mediation and conciliation. Although the Official Languages Act authorizes the Commissioner to turn to the courts in specific cases he does not use this recourse until all other avenues have been explored. In the coming months the Commissioner intends to ensure that his staff explores an alternate approach, primarily by establishing a dispute resolution program using the special funds provided by Justice Canada.

### THE COMMISSIONER AND HIS PEERS

The multiplication of ombudsmen's offices in countries with different cultures, languages, forms of government and degrees of democracy offers a wealth of ideas and practices from which each office can draw on for its own needs. That is why ombudsmen have decided to form associations based on various criteria: country, continent, language, to name a few. Within these associations ideas circulate, values are clarified, solutions are found and mutual assistance becomes a reality. In short, the profession is maturing.

For several years now the Commissioner has been a member of various associations, including the International Association of Ombudsmen. His presence on the national and international scenes allows him to benefit from existing resources and to contribute to the common effort to consolidate this community of kindred spirits. In 1998 he helped set up two new associations, the Canadian Ombudsman Association (COA) and the Association des ombudsmans et médiateurs de la Francophonie (AOMF); he sits on the board of directors of both organizations. At the Commissioner's initiative the COA chose English and French as its working languages. The AOMF appointed the Commissioner co-ordinator for its Americas-Caribbean region.

The Commissioner intends to play an active part with his colleagues in all these roles, particularly in the COA and AOMF, to institute projects of common interest: training and development of staff, improved complaint procedures and information programs to better inform the public of its rights and how to exercise them through the ombudsman. His proposals have already attracted favourable reactions that should produce significant results during the coming year.



## a) COMPLAINT INVESTIGATIONS

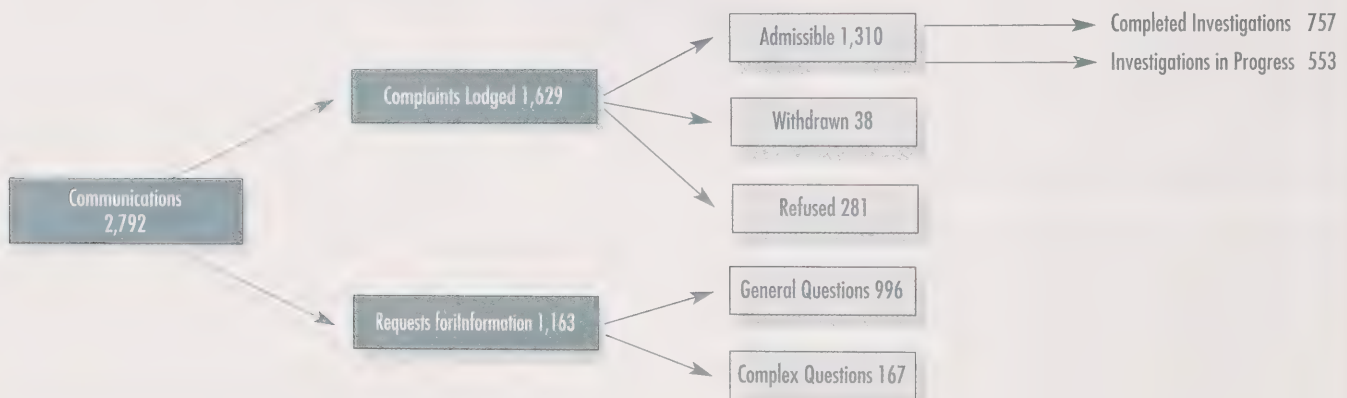
Members of the public contacted the Commissioner on 2,792 occasions in 1998 to seek his intervention in language issues of concern to them. As Figure III.1 shows, over half of these (1,629) were to lodge formal complaints for investigation.

Table III.1 details the 1,629 complaints lodged by subject compared to past years; the numbers of complaints have remained consistent over the years. Those complaints in 1998 alleging a deficiency of service in one or the other official language accounted for 1,323 (81.2%) of all complaints lodged, compared to 1,399 (79.4%) in 1997. In previous years complaints concerning Section 11 of the Official Languages Act were counted with Part IV complaints. Since this number has been increasing steadily over the last five years we have decided to show these in

a separate category. Although federal institutions have achieved some progress in providing two-language services to the public, our federal Public Service still does not offer it consistently where numbers warrant. A follow-up of the survey we conducted in 1994 on the availability of two-language services by federal offices across Canada confirmed that this goal is not yet attained. This is analysed in depth in Section h (iv) of this Part.

Figure III.2 and Table III.2 present the 1,629 complaints according to the province or territory where the alleged infraction occurred. As in previous years complaints against institutions in central Canada accounted for over half (934) of all those received: 359 in the National Capital Region, 230 in Quebec and 345 in Ontario. The number of complaints against institutions in the Atlantic provinces was 400. In the four western provinces and the north 268 complaints were lodged. (We had received more

**Figure III.1**  
Communications, 1998



**Table III.1**  
Complaints lodged over the years, 1994-98

	Total	Notices <sup>1</sup>	Service to the public	Language of work	Advancement <sup>2</sup>	Language requirements	Other <sup>3</sup>
1994	1,543	24	1,165	203	16	85	50
1995	1,552	16	1,192	238	47	30	29
1996	1,717	38	1,257	202	139	49	32
1997	1,762	31	1,399	224	37	46	25
1998	1,629	73	1,323	141	11	55	26

<sup>1</sup> Notices and advertisements as per Section 11 of the Official Languages Act

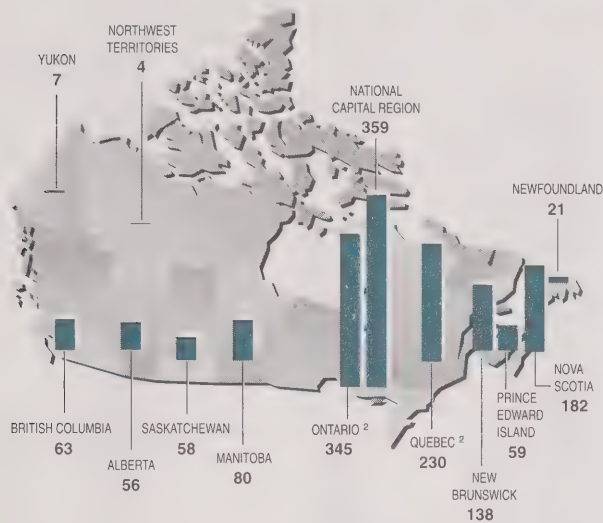
<sup>2</sup> Complaints on the advancement of the official language minority communities.

<sup>3</sup> Complaints on equitable participation, administration of justice, proceedings of Parliament, responsibilities and duties of Treasury Board and precedence.

complaints in 1997 as a result of a survey of federal offices undertaken by the Fédération des francophones de la Colombie-Britannique; that exercise was not repeated in 1998.)

Table III.2 provides a breakdown of the admissible complaints lodged in 1998: 1,310 were admissible and were investigated under the Official Languages Act. Of these, 1,046 (79.8%) concerned service to the public (see Figure III.3). We noticed an increase in complaints concerning information available on the Internet, and a rise in complaints about services provided by newly privatized airport authorities. Although there were fewer complaints citing Part VII of the Act in 1998, those alleging inadequate service in the minority language often have an impact on support and assistance in the development of linguistic minority communities. See Section f for detailed analysis.

**Figure III.2**  
Complaints lodged (1,629<sup>1</sup>) by province/territory, 1998



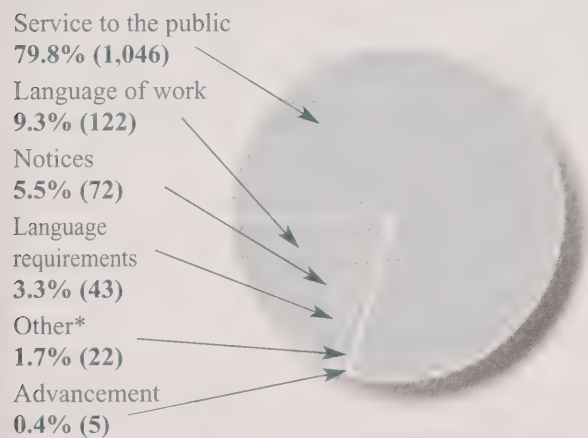
<sup>1</sup> Including 27 complaints from outside Canada.

<sup>2</sup> Excluding the National Capital Region.

Table III.3 lists the 22 institutions which were the subject of more than 10 investigations in 1998. This list varies only slightly from year to year. One institution was new to the list this year: the Business Development Bank of Canada, complaints about which primarily concerned published announcements not being placed in minority language newspapers.

Correctional Service of Canada and the Royal Canadian Mounted Police were the subjects of twice as many complaints as in 1997. Air Canada and its regional carriers were the subjects of

**Figure III.3**  
Distribution of admissible complaints (1,310), 1998



\* These complaints concern proceedings of Parliament, administration of justice, equitable participation, responsibilities and duties of Treasury Board and precedence.

252 complaints, an appreciable increase from 1997 when one situation resulted in 110 complaints.

Health Canada, Via Rail, the Atlantic Canada Opportunities Agency, Marine Atlantic, Nav Canada, Aéroports de Montréal, the Canada Mortgage and Housing Corporation and Elections Canada were the subjects of fewer complaints than in 1997.

### *The Commissioner received over 1,600 complaints in 1998*

Fourteen investigations were interrupted and could not be completed for a variety of reasons, the most common being that the complainant decided to withdraw the complaint or could not supply the necessary details to enable us to proceed.

At year's end, in 743 completed investigations, we determined that the allegations of the complainants were founded in 620 cases (83.4%); 123 were unfounded. Five hundred and fifty-three investigations (42.2%) begun in 1998 were still in progress at year's end, including 180 Air Canada files which are on hold pending the resolution of court proceedings. Since 1991 approximately 600 of our Air Canada investigations have been on hold awaiting the judgment of the court.

## LANGUAGE QUERIES

The Commissioner received 1,163 letters asking for information on various language issues in Canada. The majority of the questions were of a general nature, such as which Canadian universities offer accredited degrees in translation. However, 167 of these queries related to more complex issues and required substantial research. They sometimes also resulted in formal complaints and full-scale investigations. Some asked that the Commissioner intervene with other levels of government or with the private sector about official languages matters.

## COMPLAINANTS

The proportion of English-speaking to French-speaking complainants has remained unchanged over the years at 15% to 20% English-speakers to 80% to 85% French-speakers. In all regions of Canada availability of service in the minority official language was the most common subject of complaints.

## SPECIAL STUDIES

Our investigations of individual complaints often alert us to systemic problems for which we undertake special studies. This year these have included, among others, a study of language services at Macdonald-Cartier International Airport in Ottawa and a follow-up on Human Resources Development Canada's occupational training programs in Ontario. A detailed analysis and our conclusions are to be found in Section h (iii).

Table III.2

Number of complaints lodged, disposition, nature of admissible complaints, information requests, 1998

Region	Complaints lodged in 1997	Complaints lodged in 1998	DISPOSITION		NATURE OF ADMISSIBLE COMPLAINTS						Information Requests
			Refused/Withdrawn	Admissible	Notices	Service to the Public	Language of Work	Advancement <sup>1</sup>	Language requirements	Other <sup>2</sup>	
Newfoundland/Labrador	9	21	2	19	1	17	0	0	1	0	6
Prince Edward Island	122	59	5	54	4	42	0	1	5	2	2
Nova Scotia	155	182	34	148	24	112	3	1	8	0	27
New Brunswick	166	138	19	119	0	95	17	0	7	0	78
Quebec <sup>3</sup>	332	230	47	183	5	132	33	0	4	9	514
NCR (Quebec)	56	35	4	31	0	18	12	0	1	0	10
NCR (Ontario)	339	324	97	227	10	148	49	2	11	7	148
Ontario <sup>3</sup>	281	345	53	292	9	274	5	0	1	3	73
Manitoba	67	80	16	64	2	58	2	1	1	0	96
Saskatchewan	35	58	6	52	12	39	0	0	1	0	31
Alberta	64	56	6	50	2	45	1	0	2	0	87
British Columbia	109	63	13	50	0	48	0	0	1	1	72
Yukon	11	7	0	7	0	7	0	0	0	0	7
Northwest Territories	2	4	1	3	3	0	0	0	0	0	9
Foreign	13	27	16	11	0	11	0	0	0	0	3
<b>TOTAL</b>	<b>1,761</b>	<b>1,629</b>	<b>319</b>	<b>1,310</b>	<b>72</b>	<b>1,046</b>	<b>122</b>	<b>5</b>	<b>43</b>	<b>22</b>	<b>1,163</b>

<sup>1</sup> Complaints on the advancement of the official language minority communities.<sup>2</sup> Complaints on equitable participation, administration of justice, proceedings of Parliament, responsibilities and duties of Treasury Board and precedence.<sup>3</sup> Excluding the National Capital Region (NCR).

## RECOMMENDATIONS

The Commissioner made 605 recommendations to deputy ministers and heads of agencies for corrective action. Five hundred and thirty-two stem from the follow-up to our 1994 survey of two-language services provided by designated bilingual offices; 73 result from complaint investigations and special studies. Another 280, including 22 stemming from complaint investigations and special studies, are in the draft stage and will be reported in 1999.

In general, over 90% of the Commissioner's recommendations are fully implemented or are on the way to being implemented by the federal institutions involved.

## NATIONAL CAPITAL REGION

As many federal institutions have their headquarters in the NCR it is not surprising that 20% of our investigations involve these offices. In 1998 258 complaints involving the NCR were investigated; this is similar to 1997. One hundred and sixty-six (64.3%) related to the absence of service in French. The largest institutions,



**Table III.3**

Institutions with more than 10 admissible complaints, showing investigation status, 1998

DEPARTMENT/ INSTITUTION	In progress	Interrupted	Un- founded	Founded	Total
Air Canada	201 <sup>1</sup>	1	3	47	<b>252</b>
Human Resources Development Canada	48	1	8	68	<b>125</b>
Canada Post	18	0	12	64	<b>94</b>
Correctional Service of Canada	15	0	25	53	<b>93</b>
Revenue Canada	21	3	10	42	<b>76</b>
Public Works and Government Canada Services	20	0	10	29	<b>59</b>
Royal Canadian Mounted Police	30	0	5	22	<b>57</b>
National Defence	17	0	2	31	<b>50</b>
Transport Canada	30	0	2	16	<b>48</b>
Canadian Heritage	17	0	4	19	<b>40</b>
Industry Canada <sup>2</sup>	12	1	4	10	<b>27</b>
Citizenship and Immigration Canada	10	0	0	13	<b>23</b>
Foreign Affairs and International Trade	0	0	1	20	<b>21</b>
Fisheries and Oceans Canada	3	0	1	17	<b>21</b>
Treasury Board	7	0	2	10	<b>19</b>
Business Development Bank of Canada	6	0	0	13	<b>19</b>
Agriculture and Agri-Food Canada	3	0	1	14	<b>18</b>
Canadian Broadcasting Corporation	5	0	5	2	<b>12</b>
Canadian Food Inspection Agency	0	0	1	11	<b>12</b>
Environment Canada	4	0	0	7	<b>11</b>
Public Service Commission	5	0	0	6	<b>11</b>
Justice Canada	5	1	2	3	<b>11</b>

<sup>1</sup> 180 are on hold pending a court decision.<sup>2</sup> Includes 10 complaints against the Canadian Tourism Agency.

such as Public Works and Government Services Canada, Canada Post and Human Resources Development Canada, were the subjects of the largest numbers of complaints alleging service infractions. National Defence was cited in 12 complaints concerning workplace situations.

The new Ottawa Macdonald-Cartier International Airport Authority was the subject of seven complaints concerning services to the travelling public. Industry Canada engendered 10 complaints about language of service and work issues and posi-

tions with inappropriate language profiles.

In the nation's capital, where many federal institutions have their largest offices, it is unacceptable that public servants continue to have difficulty working in their first official language; and as the Internet grows there is an increasing number of complaints alleging that federal institutions disseminate their documents in English only from their headquarters.

*The Commissioner made 605 recommendations for action in 1998.*

## **b) SERVICE TO THE PUBLIC**

Year after year problems experienced by members of the public in communicating with federal institutions and obtaining services from them in the official language of their choice represent 75% to 80% of all the complaints we receive. This year was no exception, with 79.8% of complaints falling into this category. Unlike last year, complaints from the travelling public took first place; as shown in Figure III.4 they increased from 131 in 1997 to 216 this year. This marked increase, especially in Ontario, is due to the fact that some clients of Air Canada and its regional carrier, Air Ontario, were unable to obtain

service in French. Complaints dealing with the absence of French-language advertising in French-speaking minority communities media also increased, from 190 last year to 213 in 1998. This increase is largely due to the practice of Air Canada and its regional carriers of limiting their purchases of advertising space to English-language newspapers.

The decrease in the number of complaints about telephone communications (from 217 in 1997 to 96 this year) is explained in part by the fact that the Fédération des francophones de la

Colombie-Britannique did not conduct an audit of federal services in 1998.

A number of the 111 complaints in the "other" category involved the new methods of service delivery adopted by a growing number of federal institutions: 16 complaints dealt with services provided by third parties on behalf of federal institutions, 13 with the use of automated systems made available to the public by federal institutions and 24 with the presence of federal institutions on the Internet. These complaints illustrate the need to pay greater attention to official languages when developing new methods of service delivery. Given the growing use of the Internet by federal institutions the Commissioner has decided to conduct a follow-up on the special study he had published in December 1996 (see Part III, chapter 1 (h)(i)). Twenty-two complaints related to the holding of public events such as sports meets funded by the federal government also fall into this category.

#### Regional survey

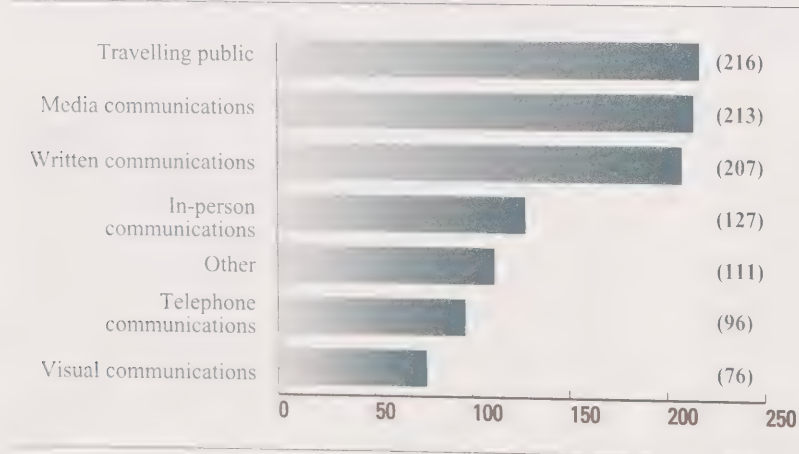
In the Atlantic region 68 of the 266 complaints (25.5%) dealt with the absence of advertising in French-language weeklies, especially in Nova Scotia and Prince Edward Island. Travellers filed 72 complaints, 46 of which (63.8%) involved deficiencies at Halifax Airport.

In Quebec written and visual communications and service on the telephone gave rise to the largest number of complaints: 45 (34%), 20 (15%) and 16 (12%), respectively, out of a total of 132, more than 70% of which came from Anglophones.

Travellers in Ontario, who had made only 30 complaints last year, filed 97 in 1998. It was mainly at Lester B. Pearson Airport in Toronto that they were unable to obtain the services to which they are entitled in the official language of their choice. Complaints about telephone communications fell from 40 in 1997 to 11 this year and represented only 4% of the 274 complaints in this province.

**Figure III.4**

Service to the public: Admissible complaints (1,046), 1998



In Manitoba 17 of the 58 complaints received (29%) dealt with service on the telephone.

Concern about the absence of advertising in *L'Eau vive*, Regina's French-language weekly accounted for 34 (87%) of 39 complaints in Saskatchewan.

The lack of advertisements in French in *Le Franco* was the subject of 13 (28.8%) of the 45 complaints in Alberta in 1998.

In British Columbia the Fédération des francophones did not audit the services of federal institutions in 1998. Consequently, the number of complaints filed fell from 99 in 1997 to 48 this year (64 of the complaints received in 1997 dealt with telephone communications). Travellers filed 20.8% of the complaints, most of which involved deficiencies at Vancouver Airport.

#### Initiatives of the Treasury Board Secretariat

In addition to its usual activities the Treasury Board Secretariat took certain initiatives in 1998. A special study conducted by a private firm on behalf of TBS on active offer of service and services in both official languages on the telephone showed that, in general, offices required to provide such services meet their obligations well. The study confirmed, however, what the Commissioner also found: that the active offer of service is too often lacking. Mainly because of differences in the methodology used the results of this study on the availability of service are more positive than those of the audits conducted by the Commissioner as part of a follow-up of a special study of federal offices designated to respond to the public in both official languages (see Part III, chapter 1 (h) (iv)).

TBS took advantage of the National Symposium on Canada's Official Languages, which it organized jointly with Justice Canada and Canadian Heritage, to launch the new version of its publication *Service to the Public — Getting on Board/Le service au public — Moi, j'embarque*. This guide, which outlines the steps taken by the federal government to improve services, for example by introducing one-stop outlets, was prepared for departmental managers required to provide their services to the public in both official languages. This is a very positive initiative that has promoted a productive dialogue among official languages officers within the federal administration.

TBS also produced a new sign with its now well-known pictogram and the message *Serving you in both official languages/À votre service dans les deux langues officielles*. Over 3,000 signs, accompanied by a letter reminding managers of their linguistic obligations, were distributed to offices and points of service designated bilingual under the regulations. Will this reminder suffice to improve the active offer of service in both official languages? The absence of active offer, especially in person, is still the Achilles' heel of



the program. We applaud these initiatives but we believe that TBS must remind institutions whose offices are recalcitrant of their linguistic obligations and must closely monitor developments in federal points of service.

### **Games and celebrations**

If there is one area in which the bilingual image of Canada should prevail it is that of national or international events, particularly those funded by the federal government. Unfortunately this year again saw major linguistic failings in dealings with athletes, spectators and volunteers despite the recommendations made by the Commissioner following a study conducted in 1989 on national and international events.

As is well known, athletes selected for the Olympic Games prepare carefully for this event in which they represent their country to the world. The visibility is enormous because this impressive spectacle takes place only every four years. The chief organizers and spokespersons should ensure that the two-language image of Canada, which has a large number of French-speaking athletes and medal winners, is properly reflected. Deficiencies in this regard did not go unnoticed by the general public, particularly during preparations for and participation in the Nagano Games in Japan. Unfortunately, despite interventions by the Commissioner and the Standing Joint Committee on Official Languages similar incidents occurred at the Commonwealth Games. (Part III.g, under "Canadian Heritage", gives more detail.)

The report of a volunteer who dealt with the Pan-American Games Corporation allowed us to bring to the attention of Canadian Heritage the lack of French in communications and meetings in preparation for the XIII Pan-American Games to be held in Winnipeg in 1999. Our investigation showed that the funding provided by the Department set out conditions with regard to bilingualism; the organizers of this international sports event are required to ensure an equitable place for both official languages. We suggested that the federal managers verify whether existing procedures are adequate in order to ensure that events are a proper reflection of Canada's linguistic duality. The Corporation agreed to review its communications products and rectify deficiencies.

Canadian Heritage clarified and circulated Canada's policy on the holding of sports events and the conduct of the accompanying ceremonies.

### **La Francophonie in English?**

Promotion of La Francophonie in English is all well and good but that is not sufficient. A meeting in Edmonton, organized by Canadian Heritage as part of the Semaine de la francophonie and attended by individual Francophones and representatives of federal institutions, was conducted almost entirely in English. A

complaint served as a reminder to public servants of the need to communicate with the public in both official languages. When members of both language groups attend a meeting simultaneous interpretation must be provided.

### **Whatever happened to manners?**

Whether they live in eastern, central or western Canada, when they exercise their right to be served in their language minority official language users of the services of Human Resources Development Canada sometimes encounter attitudes that are to say the least, disconcerting.

An employee of HRDC's Human Resources Centre in Anjou, Quebec, told an English-speaking Quebecer that she was not obliged to speak to her in English. The employee filled a position designated French essential. She should have transferred the call to a bilingual employee, in accordance with procedures established for all Human Resources Centres in the metropolitan Montreal region. Since the complaint was founded the Department agreed to pursue its efforts to make its employees more aware of the importance of serving clients properly in the official language of their choice. We will evaluate the situation at this office shortly to assess the effectiveness of these measures.

At the HRDC office in Saint John, New Brunswick, a woman who had asked to be served in French was told on the telephone, "I don't care, I'm just trying to do my job." Despite her insistence the employee continued, saying, "I don't speak French. I don't mind. I'm leaving government in six days." The Department apologized to the complainant and the manager of the unit assigned two bilingual employees responsibility for French-speaking clients.

At the Human Resources Centre in Calgary a person who spoke to the receptionist in French to obtain an application for a social insurance card received the usual reply, "I'm sorry, I don't speak French." Having received similar treatment from the security guard she asked the receptionist in English why there was no service in French in this federal office. She was told, "This province is more English.... If you want, we have someone here who can speak to you in French." Only after a 10-minute wait did a bilingual employee finally come to serve her. Since this blunder was made by a summer student the Department intends to intensify its training with regard to linguistic obligations to ensure that trainees fully understand their responsibilities as federal employees.

The complaint of a user of employment telemessages in Nova Scotia resulted in the correction of a situation inequitable to Francophones. When the latter dialled the telephone number of the Human Resources Centre, they had to press 2 for service in French. They obtained a list of eight jobs whereas the English service had 44. The same situation existed in the Clare and Shelburne regions.



Because of such deficiencies with regard to two-language service and the attitude of some employees, clients of the Department receive erroneous information, endure the arrogance of staff and have to wait to obtain the services to which they are entitled. Such situations are inequitable and unacceptable.

#### **Taking the oath — in which language?**

A future Canadian citizen living in British Columbia received documents in English only although he had made known his preference for French. His invitation to attend the citizenship ceremony was in French but contained grammatical errors; the text of the oath, the caution and the address on the envelope were in English.

In the course of our investigation the manager of the Vancouver admitting office told us that citizenship applications are forwarded to Sydney, Nova Scotia, and that the files, when completed, are returned to their point of origin, where the documents are assembled and mailed. Both the procedure and the opportunities for error are responsible for the not sending of documents to applicants in their preferred official language. We informed the Department of the complainant's feeling — no doubt shared by many — that taking the oath in the official language of his choice in Canada is a symbolic gesture of great importance to any new Canadian.

#### **Waiting for more than six months**

French-speaking immigrants, some of whom have refugee status, must wait over six months to obtain an interview at the Canada Immigration Centre in Etobicoke because there are no bilingual counsellors in that region of Ontario. When the interview finally takes place an interpreter is required.

The lawyer who informed us of this unacceptable situation also told us that although he communicates with this office in French the replies are in English. Other people who have dealt this year with various immigration offices in Canada and in Canadian consulates abroad have had the same experience. The Department has received several complaints in this regard.

In the specific case of Settlement Services at the Etobicoke office we found that there was some confusion about the linguistic obligations set out in the regulations. We recommended that the Department review the linguistic designation of its centres in the metropolitan Toronto region and the Department agreed to do so.

**The Commissioner recommended that the Department modify the forms so that the preferred official language is clearly indicated, that it staff the centre in question with a bilingual counsellor, that greeting and reception services be in both official languages and that signs and notices be bilingual.**

#### **French falls short on the Niagara frontier**

In a tourist region with an international reputation such as that of Niagara Falls it might be expected that the Customs Border Service at the Queenston-Lewiston Bridge could address its clients in both official languages. At the very least it should greet the public in both official languages and call upon bilingual staff as required.

Four Canadians, one English-speaking couple from Toronto and the other French-speaking from Quebec City, encountered profound contempt for the French fact when crossing the border. These passengers in the same vehicle were greeted in English only by the customs officer. When the driver responded in French the customs officer asked, "Do you speak English?", made no reference to the existence of service in French and did not direct the driver to a bilingual officer.

The report of our English-speaking complainant is revealing. As a Canadian he was ashamed of the treatment inflicted on his French-speaking friends and fellow citizens. He finds it unacceptable that at this strategic location the image conveyed by a federal employee does not reflect Canada's linguistic duality. Customs officers represent Canada in a very special way, to both Canadians and to visitors, because they are the first officials of the government to greet people who enter the country.

This complaint, in addition to a number concerning other border crossings, prompted us to look more closely into the situation at the Queenston-Lewiston Bridge. We found similar incidents there. These problems persist; we had previously reported them in audits conducted in 1994. A follow-up report was sent to the Department in June 1998. We deal with the entire question of border crossings in Section g under "Revenue Canada".

#### **Patience is a virtue**

French-speaking Canadians living in minority communities must sometimes practice patience to be served in French by employees at some federal institutions.

Clients of Revenue Canada frequently come to tax services offices and are greeted in English only by receptionists. In addition to the unilingual greeting one client had to wait 45 minutes to be served by a bilingual officer. In Regina, for the third year in a row, a client was asked in English to go down to the basement storeroom to obtain a form in French. In another case a taxpayer in the Maritimes who had expressed his preference for French received his form in English. One employee went so far as to hang up on a taxpayer who pursued his request in French. The Department, which we informed of these deficiencies, took measures to meet its linguistic obligations better and seems prepared to look seriously for solutions. For example, in the first case an audit conducted at the end of June confirmed that a receptionist and four bilingual officers were now responsible for providing service to Francophones; this has considerably reduced waiting time.

Since Revenue Canada managers have been informed of these situations we hope that they will take the necessary measures to provide courteous service to the public in both official languages.

On a more encouraging note the Department has hired a bilingual employee to serve the public in English and French at the reception desk of the Vancouver tax services centre.

### Service by third parties

When federal managers use third party services to provide certain programs or services, as is the case more and more often, the Official Languages Act is sometimes not respected. The manager may have neglected to include a language clause when drafting the contract or may have forgotten to check whether the methodology meets the requirements of two-language service at all stages of project execution. Two complaints illustrate this state of affairs.

A company in Montreal, acting on behalf of the Canada Business Development Bank, had asked one of its branches in Vancouver to conduct surveys of its users by telephone. However, those in charge had not taken into account the ability of their colleagues in the West to speak both official languages. Francophones were questioned in English and were unable to take part in the program evaluation process in French. The contract between the two parties specified, however, that communications were to be in both official languages. The complaint resulted in the development of new procedures and of a coding system for survey samples based on the respondent's preferred language so that the company's head office can communicate directly with French-speaking clients.

In Richmond, British Columbia, another company has to deal from time to time with French-speaking clients of the Bank of Canada. This institution had to clarify the language clauses in the contract between the two parties as a result of the investigations we conducted. The contracting company now provides the pertinent documentation in French and has hired a bilingual employee at its central processing division in Richmond and a sub-contractor in Montreal to respond to requests in French from Quebec.

In this era of decentralization and co-operation federal institutions that use third party services must be very vigilant with regard to linguistic duality and must inform their contractual partners of the obligations to be met when they do business with the public on behalf of the government of Canada.

## c) LANGUAGE OF WORK

It has now been 10 years since public servants formally acquired the right to work in the official language of their choice in certain regions of the country, notably in the National Capital Region, in New Brunswick and in designated areas of Quebec and Ontario, subject to the requirement that the provision of two-language services to the public takes precedence over language of work rights. What this means in practical terms is that employees working in these regions are entitled to central and personal services, training and regularly used work instruments, including automated systems, in the official language of their choice. In addition, staff occupying bilingual and reversible (either English or French) positions have the right to be supervised in their preferred language.

Over and above these individual rights Part v of the Act requires managers to create and maintain work environments that are conducive to the effective use of English and French. This includes ensuring the dissemination of two-language internal communications when they are addressed to staff of both official language groups and taking steps to promote the equitable use of the two languages in the workplace, as, for example, during meetings.

Our experience in conducting audits and investigating complaints in this area over the past decade reveals that there has been little or no improvement on the language of work front; many public servants are still unable to fully exercise their right to work in French in the NCR and New Brunswick and, albeit to a lesser extent, in English in Quebec. This is not surprising when one considers that over one-third of federal government executives, to whom employees look for an example (particularly with respect to supervision), do not meet the language requirements of their bilingual positions. We discuss this situation in more detail in Parts II and IV of this report.

In its last Report to Parliament on Official Languages Treasury Board recognized that it is essential for federal managers and supervisors to be fully aware of their obligations and to take measures to make their work environments conducive to the equitable use of the two official languages; it has taken initiatives in this regard, such as organizing a series of 10 workshops on language of work to be held in all bilingual regions. We urge Treasury Board officials to continually and vigorously remind managers at all levels that they are the key to a healthy two-language work environment. Consequently, they need to improve on and retain their own second-language skills while making the necessary decisions so that their particular work units accommodate the equitable use of either official language by staff.



## OVERVIEW OF COMPLAINTS

In 1998 we investigated 122 complaints involving language of work. Although this would appear to be a significant decrease from last year's 211 there was actually an increase in the number of cases investigated when we factor in 110 identical complaints received at the end of 1997; they concerned two Air Canada examinations that were not then available in French.

Twenty-four federal institutions were cited in complaints but five in particular accounted for almost two-thirds of them. Canada Post was the subject of 26 complaints, lodged mainly by English-speaking staff in the Montreal area, while 16 National Defence employees complained about the lack of central services and documents in French, mostly at Headquarters in Ottawa. Correctional Service Canada and Human Resources Development Canada were each responsible for 13 complaints about the non-availability of internal documents, automated systems or training in French; and most of the nine complaints concerning Public Works and Government Services Canada called into question services that it, as a central agency, provides to federal employees.

We noted no particular upward or downward trends this year in the subjects of language of work complaints. As Figure III.5 illustrates, the language of internal communications, of central services and of automated and other work instruments each accounts for 20% of the complaints; there was a fairly even spread among the other categories. From a regional perspective half of the complaints dealt with inability to use French on the job at various federal offices located in the NCR and a quarter dealt with non-respect for the language rights of English-speaking employees in Quebec, mainly at Canada Post. Nine of

the 17 complaints investigated in New Brunswick concerned inadequate use of French at the Dorchester correctional institution, where we conducted a follow-up in early 1998.

## EXAMPLES OF COMPLAINTS

The following cases illustrate some of the irritants with which federal public servants must cope in their work environment.

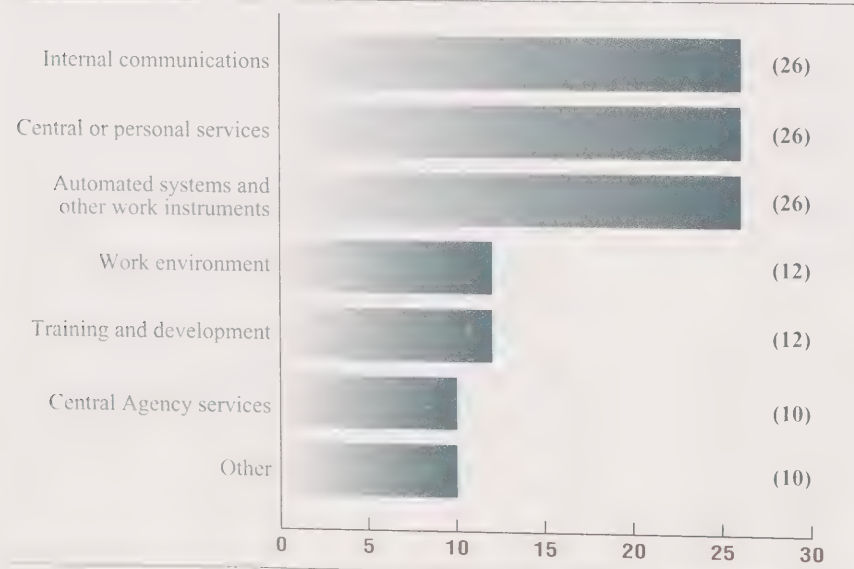
- **Fast forwarding** We investigated two complaints involving the routing of electronic mail within 76 Communications Group at National Defence Headquarters. The messages involved were initially sent to a small group of addressees but they were subsequently forwarded along the chain of command for action or for information purposes to a larger audience which included both English- and French-speaking employees. Although DND has established a policy for language of internal communications which, in our view, respects the spirit and intent of the Act, it would appear that the policy has either not been properly communicated to staff or has not been clearly understood. The result at the end of the forwarding chain is the inequitable treatment of French-speaking employees, who receive messages directly related to their work in English only. In response to these complaints the Group distributed copies of the policy to all Squadron Commanders and managers in both languages and prepared an information package that was presented to Group members in November. We will be following up on this situation to verify the extent to which these measures have been effective.

- **Bad translations** Two of our complainants criticized the linguistic quality (and the English-only title) of the French version of a newsletter entitled Health Safety that was sent to HRDC employees in Ontario in the context of the Department's Employee Assistance Program. It contained a large number of stylistic and grammatical errors. Obviously, publications that deal with the health and well-being of public servants must provide information that can be clearly understood by readers of both official language groups. We were therefore pleased to learn that future newsletters will contain bilingual titles and will be carefully proofed in French before publication.

- **Automated systems in French: Access denied!** Despite the fact that the federal government has now had seven years to "get its act together" regarding the availability of automated systems in both official languages (a January 1, 1991, deadline was included in the 1988 Official Languages Act), we continue to receive complaints. In 1998 we investigated eight complaints involving seven different fed-

Figure III.5

Language of work: Admissible complaints (122) by subject, 1998





eral institutions where software programs or operating systems had been installed in English on the workstations of Francophone employees or were technically unable to support the use of French. In all of these cases the systems involved were available in French but they were not offered to employees in the language of their choice or were not properly configured to accept French accents. Informatics support staff need to be more vigilant in this regard. We also received two complaints involving the use of English words in the Intranet addresses of French-language web pages. At year's end we decided to pursue our discussions on this issue with representatives of the central agencies involved — Treasury Board and Public Works and Government Services Canada. We will report on developments in next year's Annual Report.

- **English-only examinations** A French-speaking CN locomotive operator currently stationed in western Canada complained that he was unable to receive study materials and take a mandatory examination in French despite the fact that he had done so three years earlier when he was stationed in Quebec. This case raises issues about the "portability" of language rights when employees are posted from bilingual regions to regions which are unilingual for language of work purposes and about their "comparability" in unilingual regions. For example, would an English-speaking train operator in Quebec have been denied the opportunity of taking the same examination in English? It also raises the valid question of whether an examination of an employee's knowledge is the proper framework for testing his or her language skills, which is the position adopted by CN officials. We have launched an investigation into this situation and will be reporting our findings next year.
- **Contractors in the work environment** We received a complaint late in the year concerning the Materiel Branch at National Defence Headquarters, which hires many contractors. Our complainant alleged that most of them are unilingual Anglophones and that their presence in the workplace has a negative effect on the use of French by Branch employees who are required to work with them. Our investigation should provide us with a good insight into whether managers take the language rights of employees into consideration in their decision to hire contractors.

Although French is the language cited most often in our language of work complaints, we did receive 21 complaints this year from English-speaking postal employees working out of three different offices in the Montreal area. The bulk of them concerned work instruments such as signs and forms that were not available in English.

- **Conflicting language rights** One of the problems highlighted in two complaints is the fact that clerks occupying French-essential positions are required to communicate, orally or in writing, with postal workers in reversible (English or French) positions, some of whom are unilingual Anglophones. While

the former group clearly has the right to communicate in French, the latter has the right to work in the language of their choice — English in these two cases. Canada Post has had to adopt creative measures, such as the preparation of new bilingual work forms and a lexicon of terminology for the employees involved, to address these situations. We will be following up on these issues in the new year.

## d) EQUITABLE PARTICIPATION

### INTRODUCTION

Part VI of the Official Languages Act stipulates that the federal government's workforce should tend to reflect the presence of both the official language communities of Canada, taking into account institutions' mandates, clientele and geographic locations. For several years now overall participation rates have tended to reflect the linguistic make-up of the population with individual variations among institutions and employment categories.

### OVERVIEW

We note decreases and increases in the total numbers of employees of individual federal institutions in Tables III.8 and III.11, as updated by the Treasury Board Secretariat. The total number of employees in the federal Public Service *per se* had dropped by more than 5,000, from 186,401 as of September 1997, to 181,148, as of September 1998. The total workforce of Crown corporations was 221,027 as of December 1997, an increase of more than 5,000 from 215,363 in December 1996. This increase is due in large part to the privatization or reorganization of some institutions which were part of the Public Service but are now counted among the Crown corporations. Transfers such as the creation of Nav Canada and the Canadian Food Inspection Agency in particular contributed to the increase in Crown corporation personnel. The most significant decrease noted in departments and agencies is in National Defence, which lost more than 3,000 civilian employees through downsizing. We also have a more accurate portrait of the linguistic identities of Crown corporation employees this year since many fewer are listed as "official language unknown".

Table III.4 shows the participation rates of Anglophones (70.4%) and Francophones (26.7%) in all federal institutions. Last year the figures were 70.1% and 26.6% respectively. Throughout the period of government downsizing, during which many older employees took early retirement, we noted that the rate of Anglophone participation had declined, reflecting the fact that a larger number of older employees were English-speaking. The age levels of the two language groups are now closer, reflecting more equitable recruitment in the last 20 years.

Table III.5 gives regional and national census data from 1996 showing that Anglophones make up 73.8% of Canada's population and Francophones 24.6%. Since participation in the federal workforce is within 3.4 percentage points of the actual demographic profile of Canada we consider that it does *tend* to reflect

the Canadian population. We note particularly (see below) that percentages in the management category — in which Francophones were chronically underrepresented for a great many years — are very close to those of the population.

Table III.4

Participation rates in federal institutions

Federal Institutions	Anglophones	%	Francophones	%	Unknown	%	Total
Public Service	128,287	70.8	52,861	29.2	-	-	181,148
Crown corporations and other agencies	154,786	70.0	54,507	24.7	11,734	5.3	221,027
<b>Total</b>	<b>283,073</b>	<b>70.4</b>	<b>107,368</b>	<b>26.7</b>	<b>11,734</b>	<b>2.9</b>	<b>402,175</b>

Source: PCIS, Treasury Board, September 1998.

OLIS II, Treasury Board, December 1997.

Table III.5

Language majority and minority population by region

Region	Canada	West and North	Ontario*	National Capital Region	Quebec*	Atlantic
Anglophones	73.8 %	96.2 %	94.0 %	63.8 %	13.0 %	87.7 %
Francophones	24.6 %	2.1 %	3.7 %	35.0 %	85.9 %	12.3 %

\* Excluding the National Capital Region (NCR).

Source: 1996 Statistics Canada census data, first official language spoken.

Table III.6

Participation in the Public Service by region

Region	Total	Anglophones (%)	Francophones (%)
West and North	<b>42,377</b>	41,503 (97.9)	874 (2.1)
Ontario*	<b>28,322</b>	27,011 (95.4)	1,311 (4.6)
NCR	<b>61,043</b>	37,049 (60.7)	23,994 (39.3)
Quebec*	<b>25,288</b>	1,750 (6.9)	23,538 (93.1)
Atlantic	<b>21,705</b>	19,103 (88.0)	2,602 (12.0)
Abroad	<b>1,031</b>	744 (72.2)	287 (27.8)
Incomplete Records	<b>1,382</b>	1,127 (81.5)	255 (18.5)
<b>Total</b>	<b>181,148</b>	<b>128,287 (70.8)</b>	<b>52,861 (29.2)</b>

\* Data exclude the National Capital Region (NCR).

Source: PCIS, Treasury Board, September 1998.

## THE PUBLIC SERVICE

Although the number of public servants working in departments and agencies dropped by 5,000 this year the proportions of Anglophones and Francophones remained stable at 70.8% and 29.2% respectively (Table III.4).

## REGIONAL OVERVIEW

Table III.6 shows participation rates in the Public Service by region. Francophone participation decreased slightly in western and northern Canada, Atlantic Canada and in posts abroad but increased slightly in the National Capital Region and remained high in Quebec. Generally, the linguistic make-up of the Public Service tends to reflect that of the various regions with one exception: Anglophone participation is low in Quebec. The large number of public servants in the National Capital Region (nearly one-third of the total workforce) and the

fact that certain large employment categories draw on that local base rather than on the national population account for a significant portion of the small difference between the language profile of the country and that of the Public Service. In particular, the Administrative Support and Operational categories in the NCR account for nearly 17,000 employees,<sup>1</sup> which is 9% of the total Public Service. The fact that it draws on a local population that has a higher proportion of French-speakers (35%) than does the Canadian population as a whole accounts for much of the small difference between the linguistic profile of the Public Service and that of the country. The other part of the difference arises from the long-standing problem of low Anglophone participation in the federal Public Service in Quebec.

<sup>1</sup> Source: Employment Statistics for the Federal Public Service, Treasury Board, 1998.



We have raised the issue of underrepresentation of Anglophones in the federal workforce in Quebec every year for over a decade. Last year we noted that a task force chaired by the Public Service Commission was again studying the question and planned to produce a report entitled *Anglophone Participation in the Public Service in Quebec: Internal or External Barriers?* The report was to be published in November 1998 but at the time of writing this Annual Report it was not yet available. We do note however, that this year Anglophone participation increased from 5.3% to 6.9%, a notable improvement even if it is still half their presence in the population.

### PARTICIPATION BY EMPLOYMENT CATEGORY

Table III.7 shows participation rates for the two language groups by employment category. Rates remained stable this year with fluctuations of one per cent or less affecting both language groups about equally. Francophone participation in the Executive category is now in line with their presence in the Canadian population, at 25.6% (25.4% last year). Participation in this category has shown a gradual adjustment over the years: in the early 1980s it was about 20%. The Scientific and Professional and Technical categories show Francophone participation rates of 23.9% and 24.2% respectively. Anglophones are somewhat underrepresented in the Administrative and Foreign Service and Administrative Support categories (68.8% and 65.6%) and Francophones are underrepresented in the Operational category (20.8%).

### DEPARTMENTS

Table III.8 shows participation rates for various departments and organizations in 1997 and 1998.

### APPOINTMENTS AND PROMOTIONS

Table III.9 shows that in 1997-98 outside recruitment brought 21,876 new employees into the Public Service. Of these, 31.4%

have French as their first official language — a slight increase from 31.2% in 1997 — and 68.6% have English. In the Atlantic region outside New Brunswick and in northern and western Canada, Francophone recruitment was lower than their presence in the population (1.5% of employees hired from a population that is nearly 3% French-speaking in the Atlantic region and 0.9% of hirings from a population of over 2% in western and northern Canada). However, the actual numbers of employees hired in these two regions were low, so that it is difficult to draw conclusions from the data.

In Quebec 96.5% of new recruits were Francophone. In New Brunswick and Ontario Francophone recruitment was slightly higher than their presence in the population. If it continues the phenomenon of virtually all-Anglophone recruitment in seven provinces and virtually all-Francophone recruitment in Quebec could result in a Public Service that is polarized on language lines.

However, these figures must be interpreted with caution since only 12% of appointments were to permanent positions; most external recruitment is for a specified period of time (term). There was a significant difference in recruitment of the two language groups to permanent positions compared to term positions: French-speakers accounted for 17.5% of indeterminate appointments and 33.3% of determinate (term) appointments.

Promotions within the Public Service closely reflect the presence of the two language groups in the workforce: 71% of employees promoted were English-speaking and 29% were French-speaking.

### CROWN CORPORATIONS AND OTHER ORGANIZATIONS

We do not have complete data on the first official language of Crown corporation and agency employees but Table III.10 indicates the distribution of the 95% who have identified a linguistic preference. Anglophones account for 70% and Francophones for 24.7% of this workforce, which generally reflects the population

**Table III.7**  
Participation in the Public Service by occupational category

Occupational Category	Anglophones	%	Francophones	%	Total	%
Executives	2,091	74.4	721	25.6	2,812	1.6
Scientific and Professional	16,623	76.1	5,224	23.9	21,847	12.1
Administrative and Foreign Service	47,693	68.8	21,672	31.2	69,365	38.3
Technical	12,081	75.8	3,852	24.2	15,933	8.8
Administrative Support	31,675	65.6	16,622	34.4	48,297	26.7
Operational	18,124	79.2	4,770	20.8	22,894	12.6
<b>Total</b>	<b>128,287</b>	<b>70.8</b>	<b>52,861</b>	<b>29.2</b>	<b>181,148</b>	<b>100</b>

Source: PCIS, Treasury Board, September 1998.



**Table III.8**

Participation in departments and organizations, 1997 and 1998

<b>INSTITUTIONS</b>	<b>Year</b>	<b>Anglophones</b>		<b>Francophones</b>		<b>TOTAL</b>
Agriculture and Agri-Food Canada	1998	3,603	78.0%	1,019	22.0%	4,622
	1997	3,727	77.2%	1,102	22.8%	4,829
Atlantic Canada Opportunities Agency	1998	267	75.4%	87	24.6%	354
	1997	245	72.1%	95	27.9%	340
Canadian Centre for Management Development	1998	13	25.0%	39	75.0%	52
	1997	26	26.0%	74	74.0%	100
Canadian Dairy Commission	1998	23	39.7%	35	60.3%	58
	1997	27	40.3%	39	58.2%	67
Canadian Environmental Assessment Agency	1998	19	47.5%	21	52.5%	40
	1997	20	47.6%	22	52.4%	42
Canadian Grain Commission	1998	681	96.1%	28	3.9%	709
	1997	767	94.1%	48	5.9%	815
Canadian Heritage	1998	3,477	67.8%	1,653	32.2%	5,130
	1997	3,711	69.4%	1,639	30.6%	5,350
Canadian Human Rights Commission	1998	107	58.5%	76	41.5%	183
	1997	102	61.1%	65	38.9%	167
Canadian Intergovernmental Conference Secretariat	1998	3	15.0%	17	85.0%	20
	1997	3	15.0%	17	85.0%	20
Canadian International Development Agency	1998	395	41.1%	565	58.9%	960
	1997	368	41.4%	521	58.6%	889
Canadian International Trade Tribunal	1998	40	50.6%	39	49.4%	79
	1997	37	46.3%	43	53.8%	80
Canadian Labour Relations Board	1998	49	70.0%	21	30.0%	70
	1997	56	84.8%	10	15.2%	66
Canadian Radio-television and Telecommunications Commission	1998	159	49.2%	164	50.8%	323
	1997	174	49.7%	176	50.3%	350
Canadian Secretariat	1998	3	50.0%	3	50.0%	6
	1997	4	50.0%	4	50.0%	8
Canadian Space Agency	1998	127	42.5%	172	57.5%	299
	1997	136	43.6%	176	56.4%	312
Canadian Status of Women	1998	14	46.7%	16	53.3%	30
	1997					
Canadian Transportation Accident Investigation and Safety Board	1998	149	72.3%	57	27.7%	206
	1997	149	70.3%	63	29.7%	212
Citizenship and Immigration Canada	1998	2,876	74.2%	1,002	25.8%	3,878
	1997	2,808	76.0%	889	24.0%	3,697
Copyright Board of Canada	1998	1	100.0%	0	0.0%	1
	1997					
Correctional Service Canada	1998	7,874	72.7%	2,960	27.3%	10,834
	1997	8,588	68.0%	4,038	32.0%	12,628
Elections Canada	1998	81	40.7%	118	59.3%	199
	1997	80	45.5%	96	54.5%	176

Table III.8 (continued)

INSTITUTIONS	Year	Anglophones		Francophones		TOTAL
Environment Canada	1998	2,998	73.3%	1,090	26.7%	4,088
	1997	3,023	73.2%	1,108	26.8%	4,131
Federal Court of Canada	1998	178	49.4%	182	50.6%	360
	1997	201	49.5%	205	50.5%	406
Federal Office of Regional Development (Quebec)	1998	8	3.4%	226	96.6%	234
	1997	8	3.4%	229	96.6%	237
Finance Canada	1998	446	63.8%	253	36.2%	699
	1997	432	64.9%	234	35.1%	666
Fisheries and Oceans	1998	7,199	78.2%	2,008	21.8%	9,207
	1997	7,945	78.9%	2,127	21.1%	10,074
Foreign Affairs and International Trade	1998	2,253	66.7%	1,125	33.3%	3,378
	1997	2,261	67.7%	1,078	32.3%	3,339
Hazardous Materials Information Review Commission	1998	9	90.0%	1	10.0%	10
	1997	12	92.3%	1	7.7%	13
Health Canada	1998	4,456	75.8%	1,456	24.2%	6,012
	1997	4,242	76.3%	1,321	23.7%	5,563
Human Resources Development Canada	1998	14,092	65.5%	7,434	34.5%	21,526
	1997	13,848	65.3%	7,355	34.7%	21,203
Immigration and Refugee Board	1998	506	63.9%	286	36.1%	792
	1997	562	65.2%	300	34.8%	862
Indian and Northern Affairs	1998	2,455	81.0%	576	19.0%	3,031
	1997	2,148	80.2%	529	19.8%	2,677
Industry Canada	1998	2,862	60.7%	1,855	39.3%	4,717
	1997	2,761	62.1%	1,687	37.9%	4,448
Justice Canada	1998	1,681	63.2%	980	36.8%	2,661
	1997	1,481	65.1%	795	34.9%	2,276
National Archives of Canada	1998	394	62.5%	236	37.5%	630
	1997	414	60.5%	270	39.5%	684
National Defence (civilian employees only)	1998	15,009	81.3%	3,446	18.7%	18,455
	1997	17,349	79.5%	4,463	20.5%	21,812
National Farm Products Marketing Council	1998	7	46.7%	8	53.3%	15
	1997	9	60.0%	6	40.0%	15
National Library of Canada	1998	236	56.5%	182	43.5%	418
	1997	283	60.0%	189	40.0%	472
National Parole Board	1998	164	63.1%	96	36.9%	260
	1997	172	63.5%	99	36.5%	271
National Transportation Agency	1998	125	55.6%	100	44.4%	225
	1997	139	55.4%	112	44.6%	251
Natural Resources Canada	1998	2,776	71.1%	1,127	28.9%	3,903
	1997	2,916	71.9%	1,140	28.1%	4,056
Office of the Commissioner for Federal Judicial Affairs	1998	18	37.5%	30	62.5%	48
	1997	21	42.0%	29	58.0%	50

Table III.8 (continued)

INSTITUTIONS	Year	Anglophones		Francophones		Total
Office of the Commissioner of Official Languages	1998	33	30.3%	76	69.7%	109
	1997	36	31.3%	79	68.7%	115
Office of the Governor General's Secretary	1998	48	39.7%	73	60.3%	121
	1997	45	36.3%	79	63.7%	124
Offices of the Information and Privacy Commissioners of Canada	1998	48	56.5%	37	43.5%	85
	1997	43	50.6%	42	49.4%	85
Passport Office	1998	381	63.0%	224	37.0%	605
	1997	294	58.0%	213	42.0%	507
Patented Medicine Prices Review Board	1998	19	65.5%	10	34.5%	29
	1997	18	60.0%	12	40.0%	30
Prairie Farm Rehabilitation Administration	1998	813	99.4%	5	0.6%	818
	1997	794	99.4%	5	0.6%	799
Privy Council Office	1998	273	46.5%	314	53.5%	587
	1997	221	45.1%	269	54.9%	490
Public Service Commission of Canada	1998	455	39.0%	713	61.0%	1,168
	1997	513	39.4%	789	60.6%	1,302
Public Works and Government Services Canada	1998	6,125	57.2%	4,591	42.8%	10,716
	1997	6,765	58.4%	4,815	41.6%	11,580
Registry of the Competition Tribunal	1998	4	57.1%	3	42.9%	7
	1997					
Revenue Canada	1998	30,881	74.8%	10,409	25.2%	41,290
	1997	28,771	74.5%	9,825	25.5%	38,596
Royal Canadian Mounted Police (civilian employees only)	1998	2,342	79.9%	588	20.1%	2,930
	1997	2,494	79.8%	633	20.2%	3,127
Solicitor General Canada	1998	145	69.0%	65	31.0%	210
	1997	140	63.9%	79	36.1%	219
Statistics Canada	1998	3,065	59.4%	2,097	40.6%	5,162
	1997	3,002	61.7%	1,864	38.3%	4,866
Supreme Court of Canada	1998	52	45.6%	62	54.4%	114
	1997	73	52.1%	67	47.9%	140
Tax Court of Canada	1998	56	47.9%	61	52.1%	117
	1997	46	36.8%	79	63.2%	125
Transport Canada	1998	3,202	75.8%	1,024	24.2%	4,226
	1997	4,889	79.0%	1,290	20.9%	6,186
Treasury Board	1998	328	56.6%	252	43.4%	580
	1997	341	57.3%	251	42.2%	595
Veterans Affairs	1998	1,878	56.1%	1,471	43.9%	3,349
	1997	2,011	56.7%	1,535	43.3%	3,546
Western Economic Diversification Canada	1998	226	93.0%	17	7.0%	243
	1997	233	91.4%	22	8.6%	255

Source: Treasury Board, 1997 and 1998.



**Table III.9**  
External appointments to the Public Service, 1997-98

Region	Total	R e c r u i t m e n t				Official language minority population %
		Anglophones	%	Francophones	%	
West and North	<b>5,829</b>	5,775	99.1	54	0.9	2.1
Ontario*	<b>2,869</b>	2,667	93.0	202	7.0	3.7
NCR	<b>5,828</b>	3,594	61.7	2,234	38.3	35.0
Quebec*	<b>4,246</b>	150	3.5	4,096	96.5	13.0
Atlantic (less New Brunswick)	<b>2,462</b>	2,424	98.5	38	1.5	2.7
New Brunswick	<b>588</b>	369	62.8	219	37.2	33.0
<b>Total</b>	<b>21,876</b>	<b>15,010</b>	<b>68.6</b>	<b>6,866</b>	<b>31.4</b>	<b>24.6</b>

\* Data exclude the National Capital Region (NCR).

Sources: Public Service Commission and 1996 Statistics Canada census data, first official language spoken.

**Table III.10**  
Participation in Crown corporations and other organizations by region

Region	Total	Anglophones	(%)	Francophones	(%)	Unknown	(%)
West and North	<b>66,381</b>	58,886	(88.7)	3,951	(6.0)	3,544	(5.3)
Ontario*	<b>55,450</b>	46,976	(84.7)	4,459	(8.0)	4,015	(7.2)
NCR	<b>23,326</b>	15,004	(64.3)	8,079	(34.6)	243	(1.0)
Quebec*	<b>41,311</b>	5,143	(12.4)	32,751	(79.3)	3,417	(8.3)
Atlantic	<b>29,919</b>	25,205	(84.2)	4,199	(14.0)	515	(1.7)
Abroad	<b>4,640</b>	3,572	(77.0)	1,068	(23.0)	0	(0.0)
<b>Total</b>	<b>221,027</b>	<b>154,786</b>	<b>(70.0)</b>	<b>54,507</b>	<b>(24.7)</b>	<b>11,734</b>	<b>(5.3)</b>

\* Data exclude the National Capital Region (NCR).

Source: OLIS II, Treasury Board, December 1997.

profile of the various regions in which they work. Anglophones account for 12.4% of these employees in Quebec but fully 8.3% of employees in Quebec have not identified their first official language and many of them work for Air Canada, which has its head office in Montreal.

As shown in Table III.11 more than 8,000 Air Canada employees across the country have not identified their first official language; this is 38.9% of the Corporation's workforce.

## CONCLUSION

The federal workforce has weathered a period of staff reductions and transformations while maintaining a reasonably equitable representation of both language groups within its ranks, the exception being low Anglophone participation in Quebec. As the Public Service begins to renew itself through recruitment the timing is appropriate for central agency policymakers to examine the long-term impact on participation of present trends in recruitment and to take appropriate measures to ensure that the Public Service as a whole continues to reflect the proportions of the two language groups in the population.

**Table III.11**

Participation in Crown corporations and other organizations, 1997

<b>INSTITUTION</b>	<b>Year</b>	<b>Anglophones</b>		<b>Francophones</b>		<b>Unknown</b>	<b>TOTAL</b>
Air Canada	1997	9,404	45.1%	3,331	16.0%	8,099	20,834
	1996	8,559	43.7%	2,781	14.2%	8,261	19,601
Atlantic Pilotage Authority	1997	56	100.0%	0	0.0%	0	56
	1996	55	100.0%	0	0.0%	0	55
Atomic Energy of Canada	1997	2,814	98.8%	34	1.2%	0	2,848
	1996	3,697	96.6%	129	3.4%	0	3,826
Atomic Energy Control Board	1997	320	77.3%	94	22.7%	0	414
	1996	317	76.0%	100	24.0%	0	417
Auditor General of Canada	1997	339	61.4%	213	38.6%	0	552
	1996	336	62.6%	201	37.4%	0	537
Bank of Canada	1997	911	62.6%	545	37.4%	0	1,456
	1996	995	64.4%	549	35.6%	0	1,544
Business Development Bank of Canada	1997	675	62.4%	407	37.6%	0	1,082
	1996	693	64.1%	388	35.9%	0	1,081
Calgary Airport Authority	1997	136	100.0%	0	0.0%	0	136
	1996	135	100.0%	0	0.0%	0	135
Canada Council	1997	61	44.5%	76	55.5%	0	137
	1996	77	47.5%	85	52.5%	0	162
Canada Deposit Insurance Corporation	1997	58	65.9%	30	34.1%	0	88
	1996	61	68.5%	28	31.5%	0	89
Canada Lands Company Ltd.	1997	67	85.9%	11	14.1%	0	78
	1996	68	87.2%	10	12.8%	0	78
Canada Mortgage and Housing Corporation	1997	1,368	67.7%	653	32.3%	0	2,021
	1996	1,654	68.1%	775	31.9%	0	2,429
Canada Ports Corporation	1997	54	60.0%	36	40.0%	0	90
	1996	190	72.0%	74	28.0%	0	264
Canada Post Corporation	1997	41,668	76.2%	13,023	23.8%	0	54,691
	1996	42,963	76.3%	13,326	23.7%	0	56,289
Canadian Broadcasting Corporation	1997	4,373	56.7%	3,344	43.3%	0	7,717
	1996	5,177	57.5%	3,822	42.5%	0	8,999
Canadian Centre for Occupational Health and Safety	1997	69	86.3%	11	13.8%	0	80
	1996						
Canadian Commercial Corporation	1997	64	74.4%	22	25.6%	0	86
	1996	63	69.2%	28	30.8%	0	91
Canadian Food Inspection Agency	1997	3,537	74.4%	1,220	25.6%	0	4,757
	1996						
Canadian Museum of Civilization	1997	203	38.5%	324	61.5%	0	527
	1996	231	38.2%	374	61.8%	0	605
Canadian National	1997	12,908	64.9%	3,495	17.6%	3,477	19,880
	1996	13,772	65.1%	3,764	17.8%	3,632	21,168

Table III.11 (continued)

INSTITUTION	Year	Anglophones		Francophones		Unknown	TOTAL
Canadian National – Subsidiaries	1997	146	73.7%	52	26.3%	0	198
	1996	156	77.2%	46	22.8%	0	202
Canadian Polar Commission	1997	4	66.7%	2	33.3%	0	6
	1996	5	71.4%	2	28.6%	0	7
Canadian Race Relations Foundation	1997	3	60.0%	2	40.0%	0	5
	1996						
Canadian Wheat Board	1997	579	98.1%	11	1.9%	0	590
	1996	535	98.3%	9	1.7%	0	544
Cape Breton Development Corporation	1997	1,740	99.8%	3	0.2%	0	1,743
	1996	1,909	99.8%	3	0.2%	0	1,912
Defence Construction	1997	147	79.5%	38	20.5%	0	185
	1996	198	81.5%	45	18.5%	0	243
Edmonton Airport Authority	1997	184	96.3%	7	3.7%	0	191
	1996	188	96.9%	6	3.1%	0	194
Enterprise Cape Breton Corporation	1997	52	94.5%	3	5.5%	0	55
	1996	50	96.2%	2	3.8%	0	52
Export Development Corporation	1997	516	71.8%	203	28.2%	0	719
	1996	449	70.5%	188	29.5%	0	637
Farm Credit Corporation	1997	716	78.3%	198	21.7%	0	914
	1996	632	79.6%	162	20.4%	0	794
Freshwater Fish Marketing Corporation	1997	159	95.2%	8	4.8%	0	167
	1996	166	96.0%	7	4.0%	0	173
Greater Toronto Airport Authority	1997	650	100.0%	0	0.0%	0	650
	1996						
Great Lakes Pilotage Authority	1997	43	53.8%	37	46.3%	0	80
	1996	45	56.3%	35	43.8%	0	80
Halifax Port Corporation	1997	58	96.7%	2	3.3%	0	60
	1996	59	95.2%	3	4.8%	0	62
Indian Oil and Gas Canada	1997	58	98.3%	1	1.7%	0	59
	1996	57	98.3%	1	1.7%	0	58
International Centre for Human Rights and Democratic Development	1997	10	34.5%	19	65.5%	0	29
	1996	10	34.5%	19	65.5%	0	29
International Development Research Centre	1997	172	63.0%	101	37.0%	0	273
	1996	133	57.6%	98	42.4%	0	231
Laurentian Pilotage Authority	1997	1	2.0%	49	98.0%	0	50
	1996	1	2.0%	48	98.0%	0	49
Marine Atlantic	1997	1,315	99.2%	11	0.8%	0	1,326
	1996	2,498	96.6%	87	3.4%	0	2,585
Medical Research Council	1997	49	61.3%	31	38.8%	0	80
	1996	48	62.3%	29	37.7%	0	77
Montreal Airports	1997	21	3.6%	566	96.4%	0	587
	1996	20	3.5%	557	96.5%	0	577



Table III.11 (continued)

INSTITUTION	Year	Anglophones		Francophones		Unknown	TOTAL
Montreal Port Corporation	1997	15	4.5%	320	95.5%	0	335
	1996	15	4.4%	328	95.6%	0	343
National Arts Centre	1997	371	56.0%	291	44.0%	0	662
	1996	371	56.0%	291	44.0%	0	662
National Battlefields Commission	1997	1	1.4%	70	98.6%	0	71
	1996	1	1.6%	62	98.4%	0	63
National Capital Commission	1997	207	44.6%	257	55.4%	0	464
	1996	244	46.5%	281	53.5%	0	525
National Defence	1997	44,102	71.7%	17,375	28.3%	0	61,477
	1996	43,454	70.5%	16,887	27.4%	1,289	61,630
National Energy Board	1997	228	88.7%	29	11.3%	0	257
	1996	224	87.5%	32	12.5%	0	256
National Film Board	1997	163	39.7%	248	60.3%	0	411
	1996	184	39.4%	283	60.6%	0	467
National Gallery of Canada	1997	168	60.4%	110	39.6%	0	278
	1996	162	60.4%	106	39.6%	0	268
National Museum of Natural Sciences	1997	72	54.1%	61	45.9%	0	133
	1996	107	64.1%	60	35.9%	0	167
National Museum of Science and Technology	1997	136	53.1%	120	46.9%	0	256
	1996	136	50.7%	132	49.3%	0	268
National Research Council	1997	2,209	70.2%	832	26.5%	104	3,145
	1996	2,120	69.8%	824	27.1%	95	3,039
National Round Table on the Environment and the Economy	1997	11	55.0%	9	45.0%	0	20
	1996	10	52.6%	9	47.4%	0	19
Natural Sciences and Engineering Research Council of Canada	1997	102	49.5%	104	50.5%	0	206
	1996	91	45.5%	109	54.5%	0	200
Nav Canada	1997	4,886	81.5%	1,056	17.6%	54	5,996
	1996						
Office of the Correctional Investigator	1997	4	26.7%	11	73.3%	0	15
	1996						
Office of the Superintendent of Financial Institutions	1997	290	72.5%	110	27.5%	0	400
	1996	293	74.4%	101	25.6%	0	394
Old Port of Montreal Corporation	1997	4	2.4%	160	97.6%	0	164
	1996	4	1.7%	225	98.3%	0	229
Ottawa Macdonald-Cartier International Airport Authority	1997	69	65.1%	37	34.9%	0	106
	1996						
Pacific Pilotage Authority	1997	60	98.4%	1	1.6%	0	61
	1996	63	100.0%	0	0.0%	0	63
Port of Quebec Corporation	1997	2	3.5%	55	96.5%	0	57
	1996	2	3.5%	55	96.5%	0	57
Prince Rupert Port Corporation	1997	17	100.0%	0	0.0%	0	17
	1996	16	100.0%	0	0.0%	0	16

Table III.11 (continued)

INSTITUTION	Year	Anglophones		Francophones		Unknown	Total
Public Service Staff Relations Board	1997	16	44.4%	20	55.6%	0	36
	1996	17	45.9%	20	54.1%	0	37
Royal Canadian Mint	1997	271	49.6%	275	50.4%	0	546
	1996	243	47.6%	268	52.4%	0	511
Royal Canadian Mounted Police	1997	12,586	80.8%	2,982	19.2%	0	15,568
	1996	12,586	80.8%	2,982	19.2%	0	15,568
Saint John Port Corporation	1997	23	92.2%	2	8.0%	0	25
	1996	23	95.8%	1	4.2%	0	24
St. John's Port Corporation	1997	16	100.0%	0	0.0%	0	16
	1996	16	100.0%	0	0.0%	0	16
St. Lawrence Seaway Authority	1997	421	57.4%	313	42.6%	0	734
	1996	420	60.1%	279	39.9%	0	699
Security Intelligence Review Committee	1997	4	33.3%	8	66.7%	0	12
	1996						
Social Sciences and Humanities Research Council	1997	53	50.0%	53	50.0%	0	106
	1996	52	47.3%	58	52.7%	0	110
Standards Council	1997	52	71.2%	21	28.8%	0	73
	1996	50	68.5%	23	31.5%	0	73
Telefilm Canada	1997	51	36.7%	88	63.3%	0	139
	1996	50	37.0%	85	63.0%	0	135
Vancouver International Airport Authority	1997	269	98.9%	3	1.1%	0	272
	1996	257	99.2%	2	0.8%	0	259
Vancouver Port Corporation	1997	156	98.7%	2	1.3%	0	158
	1996	171	98.8%	2	1.2%	0	173
Via Rail	1997	1,926	60.3%	1,267	39.7%	0	3,193
	1996	1,941	61.4%	1,218	38.6%	0	3,159
Winnipeg Airports Authority	1997	113	93.4%	8	6.6%	0	121
	1996						

Source: Treasury Board, December 1997.

## e) SECTION 91

Section 91 of the Official Languages Act stipulates that "Nothing in Part IV or V authorizes the application of official language requirements to a particular staffing action unless those requirements are objectively required to perform the functions for which the staffing action is undertaken."

The objective definition of the language requirements of a position is based on an adequate knowledge of the guidelines established by the central agencies, such as Treasury Board and

the Public Service Commission, and of the real functional needs. The manager must address three questions: Does the position require knowledge of only one or of both official languages? What are the necessary linguistic abilities for a position requiring both official languages? Does the position call for a given level of bilingualism immediately or does it allow for a period within which the candidate may reach the required efficiency level?

Of the 17 institutions that were the subject of complaints in connection with Section 91 the Royal Canadian Mounted Police (seven) and the Canadian Food Inspection Agency (six) had the most complaints against them. The majority of the complaints against the RCMP (five) came from the Atlantic Region and concerned the reorganization under way in the Force. Of the some 40 complaints overall made this year (27 in 1997) half came from the Atlantic Region and a quarter from the National Capital Region. The investigations we conducted revealed that the majority of complainants were justified in challenging the linguistic profile established by the RCMP, which was in most cases insufficient. Two incidents illustrate the problems.

In the first case two people challenged the objectivity of a decision to classify as English-essential a position for an Operations NCO in Oromocto, New Brunswick. Since the position involves supervisory duties we felt the linguistic requirements were inadequate and that the post should be designated bilingual and given to an already bilingual candidate. Our intervention led to cancellation of the competition in anticipation of an organizational review by the district commander. The RCMP also assured us that if it had to fill the position before the review was completed it would do it at the BBC/BBC imperative level.

In the second case a notice of competition published by Canada Post provoked an immediate reaction from some residents of Nova Scotia. The poster stipulated that English was the only language required for temporary assistants' positions at the Church Point post office. This is a majority Francophone municipality and the post office serves a good number of Francophones as well as Université Sainte-Anne and the Caisse populaire, two major institutions. The postmaster reacted quickly to the public protests. The competition notice was withdrawn the same day and replaced with a document consistent with the linguistic requirements for this type of service. The purpose of the exercise was to establish an eligibility list; we will conduct a follow-up to ensure that any new position is occupied by a bilingual incumbent.

## **f) PART VII OF THE ACT**

In 1998 we received 14 complaints alleging an infraction of Part VII of the Act, nine of these also alleging an infraction of Part IV of the Act. Numerous situations were cited: reorganizations, radio and television services, promotion of English or French to provincial/territorial governments, film showings, grants, etc.

This is a decline compared to the 29 complaints received last year. The difference may be due to various factors, including the fact that there were fewer transfers of responsibilities in these areas from the federal government to the provinces and territories. Of the 29 complaints involving Part VII of the Act in 1997 some 10 dealt with federal-provincial agreements on labour market development; there were none this year. It may also be that the official language minority communities were reluctant to lodge complaints about situations related to federal government transformations (reorganizations, partnerships, devolutions) before seeing the conclusions of the government task force established in the spring of 1998. This task force had been recommended by the Commissioner.

Of the 14 complaints received this year nine are still being investigated. All of these complaints illustrate the impact of governmental programs and activities on the vitality of the official language communities.

The Royal Canadian Mounted Police was the subject of four complaints, one of which was unfounded. In the other cases, which are still under investigation, the three complainants, all from Manitoba, feared the erosion of institutional bilingualism and the negative impact that the reorganization of RCMP services in the Red River valley south of Winnipeg could have on the vitality and development of their community. This restructuring would bring a reduction in police staff at the St-Pierre-Jolys Detachment. According to the complainants the proposed reorganization would mean a reduction of service in the minority language.

In the face of community protests the RCMP decided in November to suspend the reorganization and consult with representatives of the Franco-Manitoban community and the provincial government regarding provincial police services provided by the RCMP. The Commissioner will continue to monitor developments in this situation very closely.

There were three complaints against the Canadian Museum of Civilization. They dealt with the imbalance between the numbers of films in English and in French shown to the public. When the complaints were lodged films were shown evenings, Monday to Saturday, in English or French, depending on the night. There were two nights of French films (none on Fridays or Saturdays) and four of English. In the complainants' view this situation was unfair to the French-speaking community. In the National Capital Region, a showcase for Canadians and foreign visitors, Francophone members of the public did not have access comparable to that of Anglophones to film programming in their language. At the conclusion of the investigation we recommended that the Museum revise its film schedule to ensure that Anglophones and Francophones are served equitably both days and evenings. The Corporation followed up on our request for the current schedule. We will continue to monitor the upcoming schedules to ensure that this balance is maintained.



The CBC was the subject of a complaint about lack of access to the RDI in Sydney, Nova Scotia, and another concerning access to only one of the two stations of the French radio network in Kingston, Ontario, unlike English-speaking listeners in that city. As we went to press the investigations were still in progress.

Canadian Heritage was the subject of a complaint about the school environment in Nova Scotia. According to the complainant the Department had not taken the necessary steps to encourage the Nova Scotia government to meet the expectations of the French-speaking community with regard to homogeneous French schools throughout the province. In addition, it had not agreed to fund the translation of documents relevant to an application submitted to the Provincial Court. In the eyes of the complainant such inaction on the part of the Department constituted an obstacle to the vitality and development of the official language minority community in that province. The investigation is continuing.

A complaint against Agriculture and Agri-Food Canada dealt with the fact that a national program, funded 40% by the Department, was available in English only, thereby depriving the French-speaking community of this tool for economic development. The founded complaint gave rise to three recommendations which the Department committed itself to implementing.

A complaint against Human Resources Development Canada alleged that a grant application, written in French, could not be considered in time because the Department, which was then being reorganized in Prince Edward Island, had to translate it into English. The subject of the grant was a study of the needs of the Acadian community in and around the regions of Charlottetown and Rustico. When the English version of the application arrived the funds available were exhausted. The French-speaking community pointed out that it had not had access equal to that of the English-speaking community to an initiative important to its development. We concluded that the complaint was founded.

## g) INVESTIGATIONS

### AGRICULTURE AND AGRI-FOOD CANADA

In recent years significant changes have occurred in the way agriculture and agri-food related services are delivered to the Canadian public. In April 1997 the federal government created the Canadian Food Inspection Agency, which is now responsible for all inspection services related to food safety, economic fraud and animal and plant health programs. The government did so in order to improve these services, which were previously provided by Agriculture and Agri-food Canada, Health Canada, Industry Canada and the Department of Fisheries and Oceans. Provisions were made to ensure that the Official Languages Act applies in full to this agency.

In 1998 12 complaints were received against the Agency; six of them dealt with the language requirements of six regional manager positions, five with language of service and one involved language precedence. All 12 complaints were settled quickly and in a satisfactory manner.

In recent years more and more programs have been offered by Agriculture and Agri-Food in partnership with the private sector. The following case illustrates the need to have adequate linguistic provisions in order to fully respect the requirements of the Act.

In 1998 we investigated a complaint concerning the Canadian Agriculture Lifetime Leadership training pilot project; this program was offered in English only by the Canadian Farm Business Management Council, a private non-profit agency which helps farmers and their service providers to adapt to changes in the field of agriculture. The CFBMC and its programs receive much of their funding from Agriculture and Agri-Food's Canadian Adaptation and Rural Development Fund. There is a general linguistic clause in the contribution agreement signed by the Department and the Council.

The CALL's mission is to train leaders for Canada's agri-food industry. The Council claims that the program's structure, which calls for numerous symposia both at home and abroad as well as for a computer-assisted teleconferencing system, does not lend itself easily to simultaneous translation. As a result, during the recruitment campaign French-speaking agricultural leaders were invited to take part in the program but on the understanding that the pilot project would be in English only. Three of the 30 participants are French-speaking. In response to our investigation the Council argued that since the pilot project had already been under way for some 10 months it would be difficult and costly to keep providing it in both official languages. Instead it proposed other options, including the creation of a bilingual program, in order to take into account leadership needs when it sets up the permanent program in regions where a large French-speaking population exists, such as Quebec, New Brunswick and eastern Ontario.

We concluded that the pilot project should have taken the special needs of French-speaking participants into account. The Commissioner recommended that Agriculture and Agri-Food Canada take the necessary measures to clearly communicate its expectations regarding official languages to the CFBMC, specifically in relation to the implementation of pilot projects for programs that involve the delivery of services and/or the participation of members of both official language communities. The Commissioner also recommended that a control mechanism be established to ensure full compliance with the linguistic obligations in the contribution agreement and that measures be taken to determine the needs of the official language minority communities with respect to the CALL.

The Department agreed to implement these recommendations. Another pilot project, headed by a single steering committee, will

be offered simultaneously in both English and French in the fall of 1999. Meetings of the co-ordinators of the English and French programs are planned, as well as a symposium for participants with simultaneous translation.

## AIR CANADA

The number of complaints lodged directly against Air Canada fell from 169 in 1997 to 78 in 1998. This drop is explained by the fact that last year more than a hundred complaints concerned the Chief Mechanic and Maintenance Base Inspector examinations in Dorval, Quebec, which were available only in English. Through the Commissioner's intervention they are now available in both languages.

Of the 78 complaints filed this year six involved the reservations service, 53 ground services and nine in-flight service. The other 10 complaints involved mainly language of work and other communications with the public.

In our 1997 Annual Report we reported on an in-depth investigation of Air Canada's in-flight services. The Commissioner had made a recommendation about the assignment of bilingual personnel on routes with significant demand and the alteration of the memorandum of understanding between Air Canada and the Canadian Union of Public Employees (Air Transport Division). The Corporation responded that the collective agreement had to be renegotiated in 1998 and that some of our concerns would be discussed, notably the service on Ontario, Quebec and New Brunswick routes. (The issue of the primacy of the Official Languages Act over collective agreements has been the subject of various discussions in the past with Air Canada officials.) At the end of the year we undertook a follow-up to determine whether the recommendation had been implemented and we will pursue it in 1999.

### Training of flight attendants

Following the filing of four complaints in 1997 the Commissioner conducted an investigation concerning the language of training and work instruments of flight attendants. According to the complainants the flight attendants' work environment was not conducive to the use of French in Montreal, a region designated bilingual for language of work purposes. In 1990 the Commissioner had found that the majority of courses were often given in English only because there frequently were unilingual English participants. He had recommended that Air Canada take the necessary steps to ensure respect at all times for the language preferences of flight attendants with regard to training. Seven years after this recommendation had been made the situation remains essentially unchanged.

The first of the four complaints dealt with training of new flight attendants in English only in Montreal. A second concerned annual qualification training and biennial training in

firefighting and first aid, which were also available only in English. In both cases Air Canada confirmed that the allegations were founded. The Commissioner believes that this situation is detrimental to the career of French-speaking flight attendants. Moreover, the Corporation agreed to provide flight attendants who had successfully taken the training with the Safety Qualification Card in bilingual format.

The investigation also looked into the work instruments question. The Commissioner found that documentation as well as regularly and widely used materials, such as the manual entitled *Performances and Operating Standards — Cabin Personnel* and its updates were not available simultaneously in both official languages and that French-speaking employees were not always informed of the availability of documents in French. **The Commissioner made four recommendations to the Corporation, including one that training programs for flight attendants be provided in both official languages no later than in 1999.** Air Canada was given this grace period to allow it enough time to translate all its training manuals. **The Commissioner also recommended that Air Canada ensure that French-language publications have the same number of updates as their English-language counterparts and that both versions are distributed simultaneously.**

### Sale of Air Alliance

In the summer of 1998 Air Canada put its affiliate Air Alliance up for sale. A complainant brought to our attention the fact that RBC Dominion Securities, acting on behalf of Air Canada, had asked possible purchasers who wished to obtain documents relating to the sale of shares of Air Alliance to sign a clause to the effect that they asked to receive all documentation in English only. As an organization subject to the Official Languages Act Air Canada is required to ensure that members of the public can communicate with its head office and any third party acting on its behalf and be served in the official language of their choice. In addition, the public must be informed that documents are available in both official languages. **The Commissioner recommended that Air Canada include in the documents concerning the sale of Air Alliance shares a language clause indicating the availability of all the documents in both official languages and ensure that all documents, present and future, relating to the sale of Air Alliance shares or to any other future sale be offered simultaneously in both official languages.**

### Reservations system

In June 1998 the Commissioner informed Air Canada of his intention to conduct a general evaluation of the Corporation's reservations system following the receipt of 13 complaints in this regard. We found that, despite assurances given in recent years, some problems persisted and that Air Canada had not succeeded in finding adequate solutions. These problems include English-



only greetings, the poor knowledge of French of certain agents assigned to the telephone reservation service, failure to respect the client's language preference and disproportionate delays in obtaining service in French. The investigation will be completed within a few months and we will report on it in our next Annual Report.

On numerous occasions Air Canada's lack of co-operation complicates our investigations. Air Canada often provides us with summary responses without indicating any corrective measures and restricts our access to the managers and employees we need to interview.

### **Court remedy proceedings**

#### **a) Lester B. Pearson Airport and Halifax Airport**

Last year the Commissioner had agreed to postpone continuation of the court remedy proceedings in relation to Air Canada's services at Lester B. Pearson Airport in order to verify on site the measures taken by the Corporation to improve its ground services in Toronto. Since these measures proved unsatisfactory the Commissioner pursued the remedy action in 1998.

Air Canada filed two applications challenging part of the evidence submitted by the Commissioner in support of this remedy action and another against Halifax Airport. The Trial Division of the Federal Court denied these two applications. Air Canada appealed the decisions. Pending the hearing of these appeals the proceedings with respect to the Commissioner's two remedy actions continue. In August the Commissioner filed an update of his evidence in the two cases. Air Canada was to file its evidence in the fall.

In 1997 the Commissioner had refused to postpone continuation of the court remedy proceedings concerning Air Canada's ground services at Halifax Airport. In the summer the Corporation and the union local had put in place a pilot project to improve service in both official languages at the airport. In view of the agreement signed between Air Canada and the union local the Commissioner agreed to conduct an on-site audit late in 1998 to ensure that the measures taken did in fact ensure reliable service. We will report next year on the results of the audit, which is now under way. The Commissioner has decided, however, to pursue the remedy action in accordance with the schedule set by the Court.

#### **b) Regional carriers**

In March 1997 the Commissioner filed a reference in the Federal Court asking it to define the extent to which Air Canada's regional carriers are subject to the obligations set out in the Act. In July 1997 an application by the respondents seeking to terminate the proceedings was denied by the Trial Division of the Federal Court. Air Canada and its regional carriers appealed this decision; as we went to press the hearing date had not yet been set.

Meanwhile complaints concerning the four regional carriers brought to the Commissioner's attention are piling up. They almost tripled in 1998 (174 compared to 61 in 1997). The Corporation still refuses to acknowledge its responsibilities in this regard and does not forward the complaints to the regional carriers concerned. The Commissioner therefore decided to send his notices of intention to investigate to both Air Canada and the regional carrier in question but he has not had any more real success. He receives acknowledgements of receipt, particularly from Air Nova, but is not able to conduct his usual investigation and inform the complainants and institution of the results so as to ensure the required corrections.

### **CANADA POST**

Canada Post Corporation was the subject of 94 complaints in 1998 compared to 88 last year; 1998 marked the first year ever that we did not conduct a major investigation which required the Commissioner to make formal recommendations to the Corporation. We are pleased to note that CPC officials regularly consult representatives of minority language communities; this is reflected in improved two-language services.

About two-thirds of the complaints were about the language of services offered to the public; about 64% of these concerned lack of service in person and in written communications. Service to the public in both official languages was better at Canada Post's own counters than at postal franchises. Several complaints concerned a lack of service in French at franchises in the National Capital Region, including three in downtown Ottawa. Postal franchises make up about 39% of offices designated to provide service in both official languages but they accounted for 68% of complaints related to language of service. In order to correct this situation CPC sent out several reminders to franchise owners in its publication Infopost on their linguistic obligations concerning, for example, actively offering two-language services.

The remaining complaints dealt with language of work and with the language requirements and staffing modes of positions being filled. Two were from employees who alleged that they were subject to discrimination because they had lodged official language complaints against CPC. We concluded that these complaints were unfounded.

Some 10 out of the 26 language of work complaints concerned various work instruments, with about 80% of them being from English-speaking postal employees in the Montreal area. We received five similar complaints from French-speaking employees of the Pointe-Claire post office. These complaints were resolved to everyone's satisfaction, thanks to very good co-operation from Canada Post officials.

In order to sensitize managers and supervisors to their language of work responsibilities the Corporation sent out a guide to



those at head office and in bilingual regions to assist them in achieving their objectives in this regard.

The Canadian Addressing Standard was once again the subject of complaints — four — this year. The standard prescribes the use of the official address as registered by a municipality and accepts translations only of the words “street”, “avenue” and “boulevard”. These are part of about two-thirds of addresses. The first complaint, from an English-speaking rural resident near the bilingual municipality of Grand Falls (Grand Sault), New Brunswick, illustrates a continuing problem with the Canadian Addressing Standard. As a result of the changes required with the arrival of 911 service in the complainant’s area her address was changed from Grand Falls to that of “District de service local de Grand-Sault/Falls”. Because her official street address is registered only in French by the municipality Canada Post officials had advised her of her new official street address, which was in French only. This complaint demonstrates the five-year-old problem that has existed since Canada Post adopted the Canadian Addressing Standard.

A second complaint about the Canadian Addressing Standard was from a French-speaking resident of Quebec. She maintained that the “optimum” standard Canada Post encourages large volume mailers to use does not respect the integrity of the French language. Contrary to the requirements outlined in the Canadian Addressing Standard Handbook for the “acceptable” standard the “optimum” standard omits punctuation and uses capital letters exclusively and abbreviations which do not conform to French language requirements. By year’s end Canada Post officials had clarified this issue by assuring us that large volume mailers would receive preferential rates by using either the “acceptable” or “optimum” standard. In addition, they sent out a reminder of this practice to their commercial sales representatives. We will follow this issue closely in 1999.

## CANADIAN HERITAGE

Canadian Heritage was cited in 40 complaints this year, three fewer than last year. Thirty-four (85%) of these complaints dealt with language of service to the public, four involved the publication of advertisements and notices in newspapers and two the promotion of English and French.

This year 17 of the 40 complaints involved Parks Canada, 10.5% fewer than last year, when there were 19 complaints. All of this year’s complaints except one involved service to the public. They pointed to among other things deficiencies at various historic sites and national parks where those serving the public on campgrounds as well as at an information centre, a restaurant and a souvenir shop could not speak French.

The legislation creating a new quasi-governmental body responsible for the management of Canadian parks and historic sites was assented to at the end of the year. As we noted in our

1997 Annual Report this legislation stipulates that the agency is subject to the Official Languages Act.

We received three complaints this year about major sports events and amateur sports associations. Two of these complaints related to the ceremonies introducing Canadian athletes, which were conducted almost entirely in English, at the Olympic Winter Games in Nagano, Japan, in February. This had repercussions in the media and the President of the Canadian Olympic Association was called to appear before the Standing Joint Committee on Official Languages. Despite the apologies given by the President and the Department’s promise to review the matter with representatives of the Canadian Olympic Association **the Commissioner recommended that Canadian Heritage establish, by the end of the year, a mechanism to ensure that when national and international sports events are being considered the language aspects be taken into account before the events are held.** This type of event is especially important in view of the image of Canada projected abroad and domestically. The Department agreed to implement the recommendation and proceeded to establish standards and rules of procedure.

In August, however, we had to raise another similar complaint with the Department. The press conference held by the Commonwealth Games of Canada Association to introduce the flag bearer was conducted entirely in English; these Games were held in September in Kuala Lumpur, Malaysia. The Commissioner could not let this second incident go by without comment, especially since it was a repetition of the same regrettable situation that had occurred at the Nagano Games. He expressed grave concern to the Department about its lack of proper leadership in respecting our linguistic duality at such events and requested that it take immediate measures to ensure that the remaining activities at the Games be conducted in both official languages.

Canadian Heritage took the action required at the time. In addition to mechanisms introduced by the Department to ensure that the various sports associations which it subsidizes comply with official language requirements in their activities it instituted further measures to ensure closer control. Specifically, Canadian Heritage asked the associations responsible for the participation of Canadian delegations at such events to provide it in advance with an action plan outlining the measures planned with regard to official languages. The Department also organized a workshop at the end of the year for these associations and other national organizations to inform them of practices and measures to assist them in providing their services in both official languages. We were invited to this meeting. The Department also set the objective of ensuring that, before the end of the fiscal year, its client agencies adopt policies and mechanisms to improve their provision of services in both official languages.

Part III, Chapter 1 (b) of this Report pertaining to service to the public describes other situations which we investigated this year.

Last year we reported on two complaints regarding telephone services offered by a company hired by the Department to conduct a survey of Francophone associations. The purpose of this survey was to evaluate agreements signed by the federal government with provincial and territorial governments in matters relating to the official languages. The complaints also referred to the poor quality of French in some public documents. The Commissioner had recommended that the Department introduce control measures to monitor the linguistic quality of services, oral and written, offered by third parties on its behalf. During the year Canadian Heritage reminded all its employees of linguistic obligations for third-party services.

We also suggested to the Department that it review the linguistic quality of contracts in the context of an internal evaluation intended to identify weaknesses and that it take appropriate corrective action. The Department accepted our suggestion and plans to conduct such an evaluation during the 1998-99 fiscal year. It also reviewed its internal policy on the awarding of contracts to ensure that the linguistic clause is more specific than the general wording used to date. In addition Canadian Heritage has added an official languages component to training courses offered to its employees responsible for awarding contracts.

Since Canadian Heritage plays a major role in the implementation of Part VII of the Act we analysed its annual action plan in this regard. The Department made improvements by adding a section describing the objectives of each of its major sectors and by specifying measures taken to structure planned activities. However, further improvements are in order particularly with regard to the way in which objectives are reached and to deadlines which are not always defined. In addition monitoring mechanisms are sometimes vague or entirely lacking. However, the Department did take initiatives and adopt measures in order to better fulfil its responsibilities as a key player in this area. For instance, working with other departments it developed mechanisms to evaluate the implementation of Part VII, prepared a policy paper to give new impetus to implementing this Part and analysed government policies and initiatives. We congratulate the Department on its efforts.

### **CORRECTIONAL SERVICE CANADA**

Correctional Service Canada (CSC) was cited in 93 complaints in 1998, 53 more than last year. The majority of these complaints (76) dealt with language of service and were made by English-speaking inmates in Quebec and French-speaking inmates in New Brunswick who alleged that their language rights had been violated.

The overall increase in the number of complaints can primarily be accounted for by the fact that some English-speaking inmates at the Donnacona institution in Quebec filed 11 similar complaints (for a total of 44) pertaining, among other things, to the language of medical prescriptions, rehabilitation programs,

written communications given to inmates or posted on billboards and loudspeaker announcements. The inmates also filed seven further complaints on various other matters.

Our investigation, which dealt with 51 complaints, showed that more than one-third (19) were unfounded. Corrective measures were taken immediately on eight of the remaining 32. Bilingual labels are now affixed to non-prescription medication containers and an automated system was set up to print the record of inmates' personal belongings on the appropriate form and in the language of their choice. Regarding the other complaints, we noted that written communications with inmates were drafted in their language and that notices and memos posted on the institution's bulletin boards were in both official languages. However, certain inmates drew our attention to a few instances of written communications that were not in their language. In order to avoid such problems, the management of the Donnacona institution will issue regular reminders to all its employees about their linguistic obligations. Furthermore, a computerized system for loudspeaker announcements will be installed by March 1999 to ensure the broadcast of bilingual announcements. We will follow up on this in a few months.

We also investigated two complaints from CSC employees of the Dorchester Penitentiary in New Brunswick. They claimed that their work environment was not conducive to the use of French and that they were not supervised in the official language of their choice. They added that oral and written communications and meetings with their supervisors were in English only and that professional training and work manuals were not always available in French.

Our investigation showed that these complaints were founded. The managers and employees at the penitentiary knew little or nothing about their rights and obligations with respect to language of work. Moreover, some supervisors were not aware of their employees' linguistic preferences nor of the number of employees under their supervision holding bilingual positions. Managers at all levels were not required to include language of work in their operational objectives.

With respect to communication between employees and their supervisors we noted that it could not always be conducted in the employee's preferred language due to the limited knowledge of French of some supervisors and managers and the limited number of bilingual positions. Certain supervisors we met expressed interest in taking part in activities which would enable them to maintain their level of linguistic competence in their second official language.

We also noted weaknesses with respect to work instruments, computer systems, central and personal services, meetings and professional training.

In order to help Dorchester Penitentiary correct the problems identified during this investigation and to promote a working environment which is conducive to the use of French the



Commissioner made 21 recommendations pertaining to, among other things, distributing information on language of work rights and obligations, including an official languages component in operational objectives, reviewing the linguistic requirements of supervisory and managerial positions, improving the linguistic competence of incumbents of bilingual positions, respecting employees' rights in communications with managers, maintaining knowledge of the second language, holding two-language meetings and ensuring the availability of work instruments central and personal services and professional training in both official languages. CSC agreed with the recommendations and has made a commitment to follow through.

## ELECTIONS CANADA

We received no new complaints against Elections Canada in 1998; we pursued our efforts to resolve an outstanding complaint from last year. This complaint concerned the designations of public thoroughfares, cities and towns which are not in the two official languages on the map of the constituency of Ottawa-Vanier.

Our complainant maintains, and we agree, that this is an important symbolic issue given that many federal ridings include significant numbers of minority language constituents whose language should be reflected in all documents prepared by Elections Canada, including maps. Our complainant was also of the view that the maps produced by EC should be completely bilingual, or available in separate language versions, rather than being only partially bilingual as is the case currently for the map of the Ottawa-Vanier riding.

In August 1997 the Commissioner had recommended that Elections Canada either produce two separate maps in English and in French or a single bilingual map with the generic names of public thoroughfares in both official languages. We subsequently met with EC officials and the Commissioner exchanged correspondence with the Chief Electoral Officer, who has, as always, been extremely co-operative. In the fall of 1998 the Commissioner again wrote to the CEO, with two requests. First, he sought a commitment that the riding map for Ottawa-Vanier will be produced in a completely bilingual format or in separate English and French versions in time for the next federal election. Second, he asked that the necessary measures be taken to give full effect to the recommendation by the end of 1998. The Chief Electoral Officer responded that, given the complexity of the issue, his office would be able to report back to us only in the spring of 1999; it is still studying the problem and consulting with returning officers, political parties and Members of Parliament. We will follow this issue closely.

We are pleased to report that Elections Canada, in co-operation with the Canadian International Development Agency and the International Development Research Centre and as part of a United Nations project, has taken the initiative of producing the

French version of an electoral information data bank for world-wide access. This type of innovative undertaking illustrates Canada's active and constructive role within the Francophonie.

## ENVIRONMENT CANADA

In 1998 we investigated 11 complaints involving Environment Canada compared to 21 in 1997. Seven of them pertained to electronic, written or telephone communications with the public. The others involved the staffing of a position, the availability in English only of a publication and the appearance of unilingual ads in the print media.

One of the complaints relating to electronic communication involved the Department's Weather Office web site, available in English only. An equivalent site in French was to be created before the end of 1998 but our follow-up revealed that such was not the case. We are pursuing this matter with the Department.

The appearance in English only of the departmental publication *ComproUpdate* also resulted in a complaint; the Department took steps to correct the problem. We will conduct a follow-up to ensure that the publication is bilingual in the future.

The staffing complaint concerned a decision to fill a bilingual management position in the Deputy Minister's office on a non-imperative basis. The complainant alleged that the position's duties required that it be staffed imperatively, that is, with a candidate who met the language requirements at the time of appointment. The investigation revealed that the Department had opted for non-imperative staffing in order, among other things, to ensure as large an eligibility list as possible. The Department told us it had taken into account government criteria for the use of imperative staffing and had concluded that they did not apply. We concluded otherwise. We determined that in this instance Environment Canada had used a narrow and inappropriate interpretation of the criteria in question and that the position's pivotal role within the most senior level of management meant that it had significant impact on the organization's activities. The decision to staff the position non-imperatively was made on the basis of non-linguistic requirements, including the desire to create an eligibility list, rather than on an objective analysis of the official language requirements as prescribed in Section 91 of the Act. **The Commissioner recommended that steps be taken to staff the position in question on an imperative basis.**

This year the Department implemented the two recommendations still outstanding from our 1996 investigation report with regard to the language of work in the Commercial Chemicals Evaluation Branch. In order to implement the recommendation that meetings be held in both official languages the Branch sent a memo to its employees informing them of the measures taken: agendas and minutes, as well as the Chair's welcoming and opening remarks, will now be in both languages. Employees were also invited to use the official language of their choice during meetings.



The Department assigned to the review officer or committee the responsibility for ensuring compliance with employees' linguistic preferences during performance evaluations, thereby acting on our recommendation that monitoring in this regard be established. The Department also recommended that all regions and services establish appropriate mechanisms to ensure that they fully meet these obligations.

## **HOUSE OF COMMONS**

We investigated five complaints concerning the House of Commons this year and conducted a follow-up of recommendations made in 1996 relating to the language rights of Members of Parliament.

As we noted in our 1996 Annual Report the issue of MPs' language rights poses a complex dilemma: how to reconcile the right of individual Members of Parliament to use the official language of their choice with the right of all MPs to understand everything said or written as part of the business of the House. Our follow-up was directed at ensuring that appropriate measures were taken to reconcile these rights.

The issue was the object of two new complaints in 1998 concerning an incident which was almost identical to one in 1996. It concerned a resolution adopted by a House of Commons committee which required that all motions presented in the committee be in both official languages. The complainants believed that the resolution restricted the right of MPs to introduce motions in their own language. The committee rescinded the resolution the following week. The incident nonetheless signalled a need for the House of Commons and its administration to review the Commissioner's previous recommendations.

The House administration acted quickly following complaints about a lack of service in French for visitors to the Public Gallery and an English-only menu in the West Block cafeteria. The low level of Anglophone participation (36%) among House administrative staff was the subject of the final complaint. The House administration agreed to take appropriate measures in the face of limited opportunities to redress the situation in the short term.

## **HUMAN RESOURCES DEVELOPMENT CANADA**

We investigated 125 complaints involving the Department of Human Resources Development during 1998 compared to 160 the year before. Most of these complaints (105) dealt with language of service to the public. Eleven concerned language of work in the National Capital Region (in both Ontario and Quebec) and New Brunswick. Nine involved various other problems. Overall, the largest number of complaints came from Ontario (30), followed by the National Capital Region (19), Quebec (16) and New Brunswick (15).

The number of complaints fell significantly this year. This change is in part due to the reduction in the number of complaints (seven fewer) relating to Labour Market Agreements with the provinces and territories and the reduction in the number of complaints about automated translations of job offers. There were 105 complaints about service to the public and 62 about the services offered by Human Resources Centres. There were 23 complaints about announcements published in newspapers and five about automated translations of job offers.

Readers of the Annual Report will recall that in the past 10 years we have often spoken of the automated translation of job offers by the National Employment Services System. A NESS program automatically translates the job offers posted in the Department's offices and for some time now on the Internet. There have been many complaints in past years about the quality of these translations, especially into French, and the Department has taken a series of remedial measures. Although the number of complaints has fallen markedly the Department has still not informed us, despite several reminders, of its short- and long-term plans for the correction of persistent problems; there are, moreover, over 50 outstanding complaints that have yet to be settled satisfactorily and permanently. We hope that the Department will respond without further delay in 1999.

We examined a number of different cases in 1998. In Labrador City, Newfoundland, the Human Resources Centre lost its only bilingual employment officer position when the Happy Valley district office, to which the Labrador City HRC reports, decided that it needed the person-year. The transfer of this position to Happy Valley, following the departure of the bilingual officer, deprived the Francophone population of Labrador City of services to which it was entitled. After a number of exchanges the Department signed a contract with the community radio station that led to the hiring of a bilingual employee in Labrador City. Since this is only a one-year contract which does not guarantee permanent French-language services we will continue to follow the case closely.

Similar cases are currently under investigation in Ontario involving the office on St. Clair Street East in Toronto where French-language services have been provided in partnership with the Centre francophone for over a year. The client alleges that the Centre offers only partial French-language services and that this adversely affects the city's Francophone community. Our investigation of these cases continues.

In Quebec seven of the 16 complaints dealt with telephone services (particularly pre-recorded messages) available only in French, lack of active offer in both official languages and service in person. Most of the situations have been corrected.

In western Canada nine of the 27 complaints we investigated concerned a failure to use the French-language minority press, particularly in Saskatchewan.

Five of the complaints about language of work in the National Capital Region came from employees of Income Security Programs. The problems involved unilingual e-mail messages, the poor quality of the French in a magazine on health for employees and distribution of English-only material for a course for Francophone employees. We hope that the measures taken by the Department to respect its linguistic obligations in a region where there are so many employees of both official language groups will avoid similar situations in the future.

We concluded our follow-up on the investigation of French-language occupational training in Ontario this year. The investigation concerned allegations from the Association canadienne-française de l'Ontario that the Department was not completely meeting its responsibilities in the field of labour market development, more specifically in occupational training. The Commissioner issued 11 recommendations pursuant to this investigation. The results of our follow-up are described in Section h (iv).

## INDUSTRY CANADA

The Department of Industry supports the development of Canadian businesses through its own programs and a network of regional partners such as Western Economic Diversification and the Atlantic Canada Opportunities Agency. Several special operating agencies, including the Canadian Tourism Commission, report to Parliament through the Minister of Industry.

In 1998 we investigated 27 complaints against the Department, 10 of which dealt with various publicity campaigns of the Canadian Tourism Commission.

We conducted an enhanced investigation to examine whether the language requirements and the staffing modes for four executive positions in the Operations Sector of Industry Canada had been objectively determined. These positions included Director, Corporate Development, Director, Small Business Loans, Director, Operations, in the National Capital Region and Director, Planning, Analysis and Public Affairs, in Montreal. Our complainant contested the superior language skills set for two positions, including the one in Montreal, and the fact that all four positions were open only to candidates who met the language requirements (imperative staffing).

In the course of our investigation we examined the language requirements and the staffing modes in light of the duties of the four positions. We also took into account the requirements of Part IV of the Act with respect to communications with and services to the public and Part V, which makes an explicit right the principle that federal employees should be able to work in either official language in regions designated bilingual for that purpose, subject to language of service obligations, supervisory responsibilities and other factors.

Based on the information obtained during interviews and our analysis of the job descriptions of the four positions we concluded that language requirements for all four positions (bilingual at the intermediate or superior level) were objectively needed to carry out the functions of these positions. In three cases we also found that imperative staffing was justified. However, we were unable to justify the need for imperative staffing for the position of Director, Corporate Development. **The Commissioner recommended that the Operations Sector of Industry Canada revise the imperative staffing mode of the position of Director, Corporate Development, to a non-imperative mode.**

Industry Canada does not agree with our recommendation. The Department maintains that the Director, Corporate Development, must be fully bilingual immediately because the incumbent works with Industry Canada's services managers and regional offices and manages a bilingual work unit. In the Department's estimation it is important for this Director to be able to address all aspects of the work with as much competence as possible, especially when dealing with sensitive issues at the provincial and territorial levels. For Industry Canada having the capacity to deliver services in both official languages at all times constitutes a significant operational impact and therefore justifies imperative staffing.

In the Commissioner's view the arguments put forward by the Department apply mainly to the language requirements of the position and not to the staffing mode. The Department wishes to establish a pool of linguistically qualified EXs as opposed to defining language needs case by case. In our final report we informed the Department that we maintain our recommendation.

## The Canadian Tourism Commission

In 1998 we handled 10 complaints dealing with the Canadian Tourism Commission. Five of these concerned various articles such as t-shirts, sweat shirts, baseball caps and maple syrup products advertised in a booklet entitled *Le Catalogue du Canada*, which carries the logo of the CTC with the inscription "Official Licensed Product". The catalogue also carries a letter from the President of the CTC explaining that it contains Canadian products produced under licence which promote all of Canada. While the text of the catalogue was entirely in French except for the maple syrup products, none of the other articles had French wording. Instead, we found slogans such as "Great Canadian Adventures", "Live Legacy", "Rediscover Canada", "True North", "Genuine Canadian", "Explore our World" and more.

Since the catalogue claims to offer products representing all parts of Canada we are of the view that the CTC, in promoting Canadian products, should have ensured that the items also reflect Canada's linguistic duality. By not doing so the CTC did not respect the spirit and intent of Parts IV and VII of the Official Languages Act. **The Commissioner recommended that the Canadian Tourism Commission make every effort to include**



**in its catalogue products which reflect Canada's linguistic duality and French-language heritage in conformity with the spirit and intent of the Act.**

Five complaints dealt with advertisements placed in English newspapers in Saskatchewan without an equivalent in the French-language media of that province. The CTC maintained that these ads were placed by a consortium of tourism organisations in western Canada in which the CTC is only a partner and which is not bound by the Act. At year's end we were still pursuing this issue with the Commission.

## JUSTICE CANADA

The Department of Justice was the subject of 11 complaints this year. One of these concerned professional training; the remainder were related to the Internet, written communications, media advertisements, language of work and staffing.

The complaint about training concerned equality of access to a professional development course which the complainant alleged was being offered by the Department in English only. The course in question was one workshop among several offered over a two-year period. The Department informed us that courses scheduled for this period were being offered in English first and in French at a later date. The Department agreed to indicate in its calendar that the series of courses was spread over a 24-month period and that all courses would be offered in both languages during this period. **The Commissioner recommended that the Department take the necessary measures to ensure that all courses offered in one language are also offered in the other within a reasonable time frame and that the Department offer certain courses in French first in order to encourage the participation of French-speaking employees.** The Department has taken appropriate corrective action.

This year we followed up on a complaint investigation involving the federal Contraventions Act. We had concluded that the language rights protected under the provisions of the Criminal Code (those related to court proceedings) and of Part IV of the Official Languages Act (those concerning communication with the prosecutor's office outside court proceedings *per se*) were not ensured. The Contraventions Act, which provides for the establishment of a contravention system as an alternative to the more complicated procedures of the Criminal Code, makes it possible for federal contraventions to be processed under provincial (Ontario in the case under evaluation) and territorial offence systems using their already established procedures. We concluded that Ontario's language regime will provide fewer minority language rights. Moreover, we found that neither the Contraventions Act nor agreements made thereunder contain a provision to ensure that the public's language rights are respected in dealings with the prosecutor's office outside the context of court proceedings. Our investigation concluded as well that, in respect of the Contraventions Project, Justice Canada had not adequately ensured the

implementation of its obligations under Part VII of the Official Languages Act to take account of the particular needs of official language minority communities and to foster the full recognition and use of both English and French in Canadian society.

**The Commissioner recommended that Justice Canada consult with the official language minority community and with interested jurists before entering into a Contraventions Act agreement with a provincial or territorial government, ensure that the prosecution of federal contraventions by provincial authorities or any third party (e.g., a municipality) respects the language rights guaranteed by the Criminal Code and the Official Languages Act where applicable, ensure that Contraventions Act agreements include provisions for court administration and support functions so as to respect an accused's language rights, ensure that any sub-delegation requires the approval of Justice Canada and includes a exhaustive and explicit linguistic clause and establish, with respect to the Contraventions Project, appropriate mechanisms to ensure respect for language rights flowing from the Criminal Code.**

In following up on these recommendations we learned that Justice Canada had consulted various jurists' associations and has put in place mechanisms for ensuring respect for the provisions of the Criminal Code by provinces, territories and municipalities which will conclude or have concluded Contraventions Act agreements. However, contrary to our view, the Department maintains its position (as do the provinces and territories) that the provinces (Ontario in this case) are not acting on behalf of the government of Canada in applying the Contraventions Act and that, accordingly, Section 25 of the Official Languages Act does not apply. We therefore concluded that the Department had only partly implemented our recommendations. The complainant, who was dissatisfied with the follow-up measures taken by the Department in this case, has requested that the Commissioner apply to the Federal Court for a remedy, as provided by the Official Languages Act. The Commissioner has done so.

Furthermore, we are currently investigating a complaint regarding the absence of a linguistic clause in the Contraventions Act agreement of June 1997 between the federal government and Mississauga, Ontario, concerning the processing of parking tickets and the collection of fines for unlawful parking on Lester B. Pearson International Airport properties. Our investigation revealed that the renewal of the agreement with Mississauga for a further one-year term now includes a clause requiring the city to provide a bilingual prosecutor for any bilingual proceeding. However, the agreement does not ensure respect for the public's language rights in dealings outside such proceedings, such as those with the prosecutor's office, as provided for by Part IV of the Official Languages Act, nor does it guarantee the language rights protected under the Criminal Code.

The complainant was also concerned that Justice Canada did not consult the Francophone community (in particular its jurists'



associations) prior to concluding the Contraventions Act agreement with Mississauga, in keeping with Part VII requirements of the Official Languages Act. The Department explained that it did not consider that consultation was necessary given that the Ontario Courts of Justice Act, which protects the language rights of the defendant, applies in cases of parking violations. These rights are not identical to those previously guaranteed under the Criminal Code. However, had Justice Canada consulted the official language minority communities it could have avoided such problems as the omission of a linguistic clause in the original agreement with Mississauga. It is through consultation that the needs and concerns of the official language minority community can be precisely identified and taken into account.

## **NATIONAL DEFENCE**

On the whole there has been movement in the right direction but certain long-standing issues remain incompletely resolved at National Defence. Although a framework has been established in which services to families of military members are to be offered in English and in French it is too early yet for its impact to have been felt all across the Forces. Officials at the Royal Military College in Kingston, Ontario, continue their efforts to make that institution fully bilingual. Training continues to be unavailable in French to Ceremonial Guard recruits in the National Capital Region.

We received 50 complaints involving the Department and the Canadian Forces compared to 38 last year. Thirty-three of them concerned various in-person, telephone, written, visual, media or Internet communications with members of the public country-wide. Sixteen complaints related to language of work, mainly in the NCR, and one complaint concerned employment opportunities.

It is interesting to note that of the 16 language of work complaints only three concerned the distribution of internal correspondence in English only at National Defence Headquarters — an issue that had been the subject of several complaints in previous years. The remaining 13 related to subjects such as central and personal services and the work environment. We continue to be concerned about the equitable use of French at Headquarters and about persistent systemic language of work problems.

### **Services to families**

In response to three outstanding complaints involving CFB Moose Jaw on November 12, 1997, the Chief of the Defence Staff issued a policy directive on the provision of two-language services to families of military members. We subsequently obtained necessary clarifications from DND regarding educational and medical services that were not specifically covered in the directive. We also discussed the impact of postings on military families; this led to the reissuing of a policy directive in April

which cites the unilingualism of dependents as a factor in the decision of where to post military members. As a result of these developments, and since out-of-court settlements were reached with the complainants, we discontinued our legal proceedings on this issue.

We are pleased that DND has addressed the concerns of the Moose Jaw complainants and is tackling the related systemic issues involving services to military families. Our experience with these complaints shows that strong leadership and a firm commitment are essential in the resolution of difficult issues. Both of these qualities were clearly evident in our dealings with senior DND officials at the time, particularly Lt.-Gen. David Kinsman who was the Assistant Deputy Minister, Personnel. We greatly appreciate the fact that they share our concerns regarding the serious consequences to the well-being of military families and to the careers of Forces members when basic services in French are lacking.

In June the Commissioner submitted a brief to the Standing Committee on Defence and Veterans Affairs, which was examining the quality of life in the Canadian Forces. He urged the Committee to seriously consider the importance of taking due account of linguistic elements in decisions to post military members to regions where their first official language is the minority language.

In October we requested an update on the implementation of the November 1997 directive. We were informed that five of the seven Commands and Groups directly affected by the policy had submitted implementation reports; the two remaining Commands were expected to follow suit in January 1999. According to DND most of the designated units have begun to, and many have already, put in place the required services. One area that deserves particular attention is the need for bilingual staff at the Military Family Resources Centres. We are pleased to note that monitoring of this policy has been assigned to a desk officer at Headquarters, which indicates the seriousness with which National Defence has assumed its responsibility towards family members.

Along these same lines, we conducted a follow-up on several complaints received in 1996 concerning the lack of services in French to military family members at Canadian Forces Base Esquimalt. We noted that although Base officials had developed a plan to comply with the 1997 policy directive the means by which it could be adequately implemented had not been fully considered. For instance, we found that the availability and the French-language skills of local practitioners had not been examined when a referral list was compiled to assist in the provision of services not available in French from Base and MFRC social workers.

The Minister of National Defence, Art Eggleton, was understanding and supportive.

### Royal Military College

In July we published an investigation report on six complaints received in 1997 concerning the College's French-language education program as it related to recruitment practices and the enrolment of French-speaking candidates and the provision of training opportunities to College staff in the official language of their choice.

Our evaluation of data on recruitment policies and practices provided by the Canadian Forces revealed imbalances. We found a noteworthy disproportion in the acceptance rates of English- and French-speaking candidates despite improved efforts since 1996 to recruit more French-speaking students to the College. As well, although less serious than in previous years, we noted higher attrition rates among French-speaking candidates. We concluded that corrective action was required. **The Commissioner recommended that DND and the Canadian Forces monitor and evaluate recruitment policies and practices for their effectiveness in ensuring a balanced participation among qualified English- and French-speaking candidates and amend them as required. The Commissioner also recommended that attrition rates be closely monitored in order to identify and address any causal factors that may be linked to the status and use of the official languages in the operations of the College.**

Our investigation report also addressed, in a recommendation, the need for appropriate measures to be taken to ensure that staff at the College have equal access to training opportunities in their preferred official language. The Commissioner also recommended that the College continue to develop arrangements with bilingual and French-language post-secondary institutions to ensure more equitable access to additional education opportunities for its French-speaking students. National Defence agreed to implement all four recommendations; we will conduct a follow-up next year.

Late last year we completed our follow-up on 16 recommendations contained in an earlier investigation report dealing with various services provided by the College to its students and staff.

***It is currently impossible for French-speaking recruits in the Ceremonial Guard to receive training in their preferred official language despite the important symbolic function of this highly visible unit. Corrective action must be taken without delay.***

The results of our follow-up were not wholly satisfactory since corrective action had not been taken or completed on half of the recommendations. Full implementation could have been achieved had officials paid closer attention to the means required to address the deficiencies outlined in the original report. The Commissioner made four new recommendations to ensure that necessary corrective action would be taken. **He recommended,**

**for example, that staff fully understand and consistently apply directives regarding the dissemination of lecture notices, memoranda and letters in both official languages and that a mechanism be developed and implemented to monitor the dissemination of such documentation in both English and French. The Commissioner also recommended that steps be taken to actively promote a more equitable use of French at meetings of professors.**

### Ceremonial Guard

During the summer we conducted a follow-up on three recommendations we had made in the context of an investigation of training provided by the Governor General's Foot Guards to recruits for the Ceremonial Guard. Our follow-up revealed that none of the recommendations had been implemented. In fact, we concluded that it was impossible for unilingual French-speaking recruits to receive training in their language in the Ceremonial Guard. French is used only when Francophones assert their need for explanations in order to compensate for English-only instruction material and for the limited number of bilingual instructors available to provide them with linguistic assistance.

**The Commissioner recommended that DND and the Canadian Forces immediately take all measures necessary to ensure that material and training be available in both official languages by May 1, 1999.**

### PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

This year we investigated 59 complaints regarding Public Works and Government Services Canada, nine fewer than in 1997. Forty-seven concerned such services to the public as media communications, security, correspondence, signage, telephone service, the Internet and telephone directory listings. Eight complaints involved language of work and four dealt with staffing actions. We also completed two in-depth investigations initiated in 1996 concerning different systemic problems — the exclusion of bilingual weeklies from the newspaper lists used by federal institutions for advertising in Quebec, and the installation of operating systems and software in English only on employees' computers.

Seven of the language of service complaints concerned absence of service in French from security personnel at the entrances to federal buildings as well as from those on Parliament Hill directing pedestrian and vehicular traffic during construction. According to the Department the company it usually hires to provide security services does not have sufficient bilingual personnel to meet requirements at all its sites. To correct the situation PWGSC took various measures, including providing unilingual employees with bilingual pocket cards containing key French phrases and giving them training on the use of the cards to address the French-speaking public while they seek the assis-



tance of a bilingual colleague. In addition, the Department engaged the services of other security companies to counter the lack of bilingual personnel.

Two other complainants questioned the absence of accents on capital letters in government listings in French in the blue pages of telephone directories in Moncton and Ottawa-Hull. This systemic problem was first identified in 1996 in a complaint relating to the Montreal and Quebec directories. However, the problem has persisted due to technical difficulties. Our investigation revealed that the technology does exist to include these accents, as evidenced by their presence in telephone directories published in Winnipeg and Metro Vancouver. We asked the Department to pursue the matter with Bell Canada, which publishes the directories in question. This subject will also be addressed in the context of the Blue Pages Renewal Project that has been established by the Treasury Board Secretariat with the participation of PWGSC to redesign the government blue pages in order to provide more accurate and more reliable access to information. At year's end we learned that Tele-Direct, a subsidiary of Bell Canada, had agreed to use accents on capital letters in the French blue pages. The Moncton directory will include accents in its publication in the spring of 1999. As for Montreal, Quebec and Ottawa-Hull, Tele-Direct is consulting the provinces concerned in order to proceed.

**This year the Commissioner recommended that PWGSC, in co-operation with the Treasury Board Secretariat, inform federal institutions of the amended TBS policy on the use of bilingual weeklies in Quebec once it is issued and provide the necessary advice regarding requirements in this area.** This recommendation was deemed necessary after we investigated a complaint in 1996-97 regarding the systematic exclusion of bilingual weeklies from the list of English-language newspapers used by federal institutions for advertising campaigns in Quebec. We concluded that bilingual weeklies which serve a territory exclusively should be used in federal advertising campaigns on the same basis as unilingual English or French weeklies. This investigation revealed that the absence of a Treasury Board policy on the use of bilingual newspapers was a key factor in the problem. Since PWGSC has responsibilities concerning the use of media by federal institutions we concluded that it should work with TBS to correct the situation.

Contracting is another area related to the Department's role as a central agency where we had concerns with respect to official languages. Following our 1997 investigation into the bid solicitation process for the Canadian Search and Rescue Helicopter Project the Commissioner had recommended that PWGSC review its contracting procedure to ensure that it respects the language rights of members of the public, client departments and employees. In response to this recommendation the Department undertook a comprehensive review this year of the aspects of contracting that involve services to the public and identified a number of areas requiring improvement. The report recommends

examining the linguistic identification of all positions in the Supply Operations Service Branch, integrating official languages considerations into all aspects of the contracting process, ensuring that two-language requirements are identified at the outset of the process and form part of the procurement strategy and informing employees of their linguistic obligations.

PWGSC has made a commitment to act on these recommendations once it has resolved a number of issues relating primarily to the introduction of MERX, Canada's electronic tendering system. The Department, in co-operation with Treasury Board, must re-examine the application of the official languages regulations and the Treasury Board policy on contracting in light of the use of this national electronic tendering service. This will involve reviewing the public served by its procurement offices and clarifying the definition of "restricted and identifiable clientele" in this context. Moreover, in the context of a Department-wide study that it is conducting, PWGSC plans to address the language of work elements of the Commissioner's recommendation to ensure that the linguistic rights of client departments and employees are fully respected at all stages of the contracting process. The results of the study were being analysed at year's end. We are monitoring these matters closely.

In 1996 we received a complaint that operating systems and software were systematically installed in English only on employees' computers in the Real Property Services Branch. Because Treasury Board was conducting an audit on information technology, which included PWGSC, and in order to avoid duplication, we decided to delay our investigation until we received the results of this audit. In its report Treasury Board confirms that most of the time employees are provided with the English version of software and have to request the French version. In addition to recommendations made by Treasury Board in its audit **the Commissioner recommended that PWGSC inform managers that regularly and widely used automated systems must be made available simultaneously in both official languages and that the Department must take measures to determine the linguistic preferences of employees in this regard. He also recommended that official languages obligations be included when planning the acquisition of automated systems and that PWGSC inform employees of the availability of bilingual keyboards and, on installation, ensure that the appropriate software adjustments are made to generate properly accented characters.** We will be following up on these recommendations in 1999.

## REVENUE CANADA

In 1998 we investigated 76 complaints involving Revenue Canada, 72 of which concerned various services to the public. Two others questioned the language designations of positions, one dealt with language of work and another concerned equal opportunities to obtain employment and advancement.



The complaints highlighted weaknesses in two areas of the Department's operations: written and telephone communications, primarily with taxation services staff (48 complaints) and in-person services to travellers at Customs border crossings, mostly in Ontario but also in five other provinces (24 complaints).

*Nearly one-third of this year's complaints concerned the absence of Customs service in French in six provinces. The Department must pay closer attention to the provision of two-language services at its designated Customs facilities country-wide. They have a unique responsibility to reflect Canada's linguistic duality in their dealings with citizens returning from abroad and with visitors.*

Customs is the weak link in Revenue Canada's chain of compliance with the Act and was the subject of a major follow-up this year. Our efforts to obtain a satisfactory response to our June 1997 special study follow-up report concerning two-language services at six Customs facilities in southern Ontario were marred by lengthy delays and the need to exert considerable pressure. However, in January 1999 the Department provided us with an action plan to address the 10 recommendations in our follow-up report. With this document, Revenue Canada takes its first major steps towards tackling such long-outstanding issues at all six facilities as the active offer of services in both official languages at border crossings.

According to the plan the Department will develop a comprehensive recruitment strategy to increase its two-language capability at these facilities. Departmental officials have also incorporated monitoring activities into the plan. We will follow the implementation of this action plan closely in the coming year to ensure that the travelling public receives services in English and French consistently.

Travellers have also experienced difficulties in obtaining service in French at Customs facilities in other border crossings in Ontario, including those located near the National Capital Region. Because the problems at these sites are similar to those highlighted in our follow-up report we held discussions with senior managers with a view to finding solutions here as well. In February 1999 they provided us action plans for each of these border crossings that reveal some promising initiatives for solving the problems. For instance, we note that the minority language communities will be approached to assist in training staff to provide better service to the travelling public. We intend to follow the results of planned initiatives of this kind closely in the upcoming year.

Half of the 48 complaints involving taxation services staff concerned in-person or telephone communications and stemmed from deficiencies such as the lack of adequate two-language capability in a given office. The majority (21) of the remaining

complaints were received from taxpayers who did not obtain documents in their preferred official language, generally because of simple human error. We are following this matter closely to ensure that appropriate corrective action is taken as required. The other three complaints relate to various other matters such as media communications and signage.

In May the Department established a committee to review all elements of its official languages program. This committee was formed as part of a major undertaking to examine current policies and practices in anticipation of the Department becoming the Customs and Revenue Agency. It was composed of Revenue Canada managers and employees from across the country, who provided comments and recommendations to the Department's Human Resources Committee on such issues as language training, the linguistic requirements of positions and accountability relative to the program. The results of this exercise are expected to be released in early 1999. Representatives from our Office, central agencies and official language minority community associations were invited to attend the meetings as observers; we commend Revenue Canada for the dedication and work of this committee in its thorough examination of official languages program management and delivery.

During the year we held discussions with Department officials about their progress in implementing the five recommendations made in our 1997 investigation report concerning language of work in the Information Technology Branch. While measures have been taken to promote the use of the two official languages at meetings there are no monitoring mechanisms. Another survey will be carried out to obtain important feed-back from staff on the equitable and appropriate use of French in the workplace. We strongly encourage the ITB to step up the pace of its implementation of the Commissioner's recommendations.

Revenue Canada has also taken corrective action in another case mentioned last year, in which the Commissioner had recommended a review of the language requirements of positions in two divisions of the Toronto Centre Tax Services Office. Revenue Canada extended the scope of this review to ensure that a two-language capability exists at all levels in all divisions of the TCTSO. At the time of writing regional officials were developing an action plan to address the issues raised in our investigation, including those related to the language requirements of positions.

### ROYAL CANADIAN MOUNTED POLICE

In 1998 the RCMP continued an administrative restructuring which amalgamates smaller administrative units into larger ones. The Force is now grouped into 14 Divisions, 12 of which follow provincial and territorial boundaries. These will be regrouped in five Regions, each of which will include more than one province or territory.

We have expressed concern about the linguistic aspects of this restructuring, particularly the fusion of Divisions C, O, and A (Quebec, Ontario and the National Capital Region) and the creation of a new Atlantic Region which will group New Brunswick with the other three provinces. It may well become more difficult to work in French in Quebec and New Brunswick within these larger regions and the reorganization may affect service to the public. We are undertaking a study (discussed in greater detail in Section h (ii)) with the RCMP on this and other restructurings.

In Manitoba restructuring has already resulted in smaller detachments being closed or downsized through transfers to central detachments. Sub-divisions are being reorganized into larger districts, which are now responsible for more detachments than before. Members of the Franco-Manitoban community are concerned that services in French may be less available and more remote from French-speaking communities. Although the RCMP states that it is committed to "community policing", we have received complaints alleging that there was inadequate consultation with the communities affected by these major reorganizations. We have investigated one such complaint involving the Saint-Pierre-Jolys detachment.

As a result of our investigation it was announced in November that the restructuring process in southern Manitoba would be suspended pending consultations with representatives of the Franco-Manitoban community.

In 1998 we investigated 56 complaints involving the Royal Canadian Mounted Police, twice as many as in 1997 (26); 42 concerned the language of services offered to the public, four dealt with language of work, eight related to the language requirements and staffing modes of positions, one was about the equitable participation of both language groups in the Force and one concerned the above-mentioned study of social and economic impacts of restructuring on the Franco-Manitoban community of Saint-Pierre-Jolys.

The more than two-fold increase in the number of complaints about two-language services to the public related mainly to highway patrol services in areas of significant demand. We completed our investigation of two complaints concerning the Peace River, Alberta, Highway Patrol Unit, one from 1996 and one from 1998. We set out to determine the nature of the RCMP's linguistic obligations under the Official Languages Act when enforcing provincial laws and whether a patrol car is a "facility" for the purposes of Part IV of the Act. We concluded that the RCMP continues to have obligations under the Act when it is performing provincial policing duties. **The Commissioner made two recommendations that the RCMP ensure that not only the Peace River Highway Patrol Unit but all highway patrol units in Canada be able to provide services to the public in both official languages when operating in the service areas of offices designated as having significant demand.**

We also concluded that when an English-only traffic ticket is issued to a French-speaking motorist under provincial legislation Part IV of the Act requires that the RCMP explain the contents and legal effect of the ticket in French. The Force responded that "equality of service delivery in both official languages is a virtual impossibility" and that management in Alberta "will continue to make every effort to address the recommendations where they can be implemented without undue hardship." Despite the significant number of complaints concerning highway patrol services provided in one language only the RCMP claimed that they were already in compliance with the recommendations. The Commissioner maintains his position that the RCMP has linguistic obligations under the Act when enforcing provincial laws and that a patrol car is a facility for the purposes of Part IV of the Act.

We also completed our investigation of three complaints concerning various products issued under the RCMP Licensing Program, such as postcards and jackets, with an English-only inscription of the RCMP. Our investigation sought to determine how to ensure respect for the principle of equal status for both official languages in a free-market environment. We concluded that the RCMP has in fact retained considerable control over the image of the Force portrayed on various items manufactured and sold by private sector companies. We agreed that certain language-specific items, such as books and video tapes, need not present the RCMP insignia in both official languages. RCMP representatives agreed that the specific items which prompted the initial complaint — postcards representing RCMP officers in front of the Parliament buildings — should represent the Force in both official languages. They will communicate with manufacturers and retailers to ensure that all stationery items represent the two-language character of the Force more clearly. We also learned that there are a variety of articles such as clothing, sporting goods, gifts and collectibles for which the presentation of the RCMP insignia might be in either language or both, depending on the market. The RCMP assured us that all items in its canteens and social clubs, as well as those it presents as official gifts, will reflect the two-language nature of the Force. We will follow up on this important symbolic issue in 1999 to ensure that the RCMP implements **the Commissioner's recommendation that the Licensing Program Style Guide which will come into effect in 2000 specifies that only two-language representations of the Force's name or acronym will be acceptable as of March 1 of that year.**

As of last year's Annual Report we were awaiting the RCMP's comments on the draft report of our study on official languages and the careers of regular members of the RCMP. We received them in 1998 and took them into consideration in our final report. We were pleased to note that the RCMP has already taken measures to implement some of the recommendations in order to facilitate equitable career possibilities for members of both language groups. For example, it is proceeding with an organization-wide official languages review to update all position



designations in the RCMP. It is also offering, under a range of programs and on a priority basis, language training opportunities to ensure that members acquire the command of their second official language if it is needed so that they can perform their duties effectively.

In June we received a complaint from a former member of the RCMP alleging that his work performance was not fairly evaluated and that he lost his job because his superiors felt that his knowledge of English, his second official language, was inadequate. We conducted an in-depth investigation of these allegations and at year's end we were preparing our report.

## **TRANSPORT CANADA**

The transformation of Transport Canada continued in 1998 as it pursued the privatization of the country's airports, a program scheduled to be completed in April 2000. Meanwhile, the Department began implementing the Commissioner's recommendations concerning airport pre-boarding security screening services. Our two organizations discussed ways of improving complaint handling procedures. The number of complaints declined slightly from 50 in 1997 to 48 this year, all but six of which concerned various services to the travelling public.

As noted in previous Annual Reports legislation adopted in 1992 established that key parts of the Official Languages Act continue to apply to Canada's largest airports, those where there exists significant demand for service in both languages, when they are transferred to independent airport authorities. This year questions were raised about the maintenance of two-language service at designated regional and local airports which are sold. The Commissioner is concerned about the impact of such changes on existing language rights. Discussions were under way at year's end to clarify the situation.

The Commissioner's 1997 special study of Transport Canada's enforcement of pre-boarding security screening regulations included several recommendations for modifications to departmental guidelines on official languages requirements. Among the recommended changes were the establishment of a minimum two-language capability, the description of an acceptable level of second-language proficiency for bilingual security guards and a definition of timely service. In 1998 Transport Canada presented a draft of new guidelines to interested parties for comment. We found that the draft guidelines met some of the needs identified in the special study but that they fell short of the recommendations relating to two-language capability and timely service. We proposed further changes in accordance with the special report's findings. Next year we will conduct a follow-up of all recommendations contained in the report.

Meanwhile, airline passengers reported nine new incidents of lack of service in their language during pre-boarding screening at Moncton, Montreal (Dorval), Sudbury, Winnipeg and Edmonton

airports. Discussions with Transport Canada officials on improving procedures for handling complaints of this nature continued.

We also pursued a review of procedures for investigating complaints about the language of safety briefings on board aircraft, another area subject to regulations applied by Transport Canada. Procedural changes are needed to ensure that complaints regarding onboard safety announcements are effectively handled. At year's end we received a complaint concerning such announcements during a flight by a domestic airline.

Contracted airport services such as boarding announcements and restaurant signage accounted for 28 complaints in 1998. We suspended investigation of seven other complaints involving a recently transferred regional airport pending the results of discussions regarding the linguistic implications of such transfers.

Ferry services provided on the East Coast were the subject of four complaints which were quickly resolved by the Department. Another four complaints concerned issues under the direct responsibility of Transport Canada, including the language of testing for a position in Quebec, the use of the minority press, the quality of the French text of a bilingual notice and the language of precedence in a recorded telephone message.

## **TREASURY BOARD**

The Official Languages Act assigns Treasury Board a special role in the implementation of official languages in the Public Service. On the one hand it is responsible for developing principles, directives and regulations on official languages and their monitoring; on the other it must assess the effectiveness of the principles and programs of federal institutions. The Board is also the federal employer and, as such, must facilitate the use of English and French in regions designated bilingual with regard to language of work by the institutions that report to it and which it serves. Treasury Board should therefore be a model for other federal institutions.

We investigated six complaints about Sun Life of Canada, the life insurance company that administers the Public Service Health Care Plan and the Public Service Disability Plan for federal employees. In two cases it sent documents in English to beneficiaries who had submitted their claims in French; we have received five similar complaints in the past two years. Two other complaints dealt with the quality of French in the benefits document, another involved two hand-written notes in English only and three notes in which the quality of French was poor, included in the information sent to a French-speaking employee following a request for a copy of her file, and the last concerned the contract for disability benefits in which there were some passages in English only. When these deficiencies were brought to the attention of Sun Life it was quick to offer apologies to the clients and to provide the required information in French. We have asked Treasury Board to be vigilant and to ensure that the company



solves these problems permanently. As to the quality of French in the benefits document, the company agreed to make the necessary changes to its computer system. We will continue to monitor this matter closely.

We also completed an investigation involving the Canada Infrastructure Works Program in Prince Edward Island. The complainant alleged that the federal government had not included criteria that would ensure that this program contributed to the vitality of the Island's French-speaking minority. In the course of our investigation we examined various federal-provincial agreements made under the Program.

We found that the federal government is indeed in a position to negotiate and include linguistic requirements in national program contractual agreements with the provinces and territories. By not including adequate language clauses in the agreements the government failed to take into account the provisions of Part VII of the Act. **The Commissioner recommended that Treasury Board take into account the needs of the official language minority communities and include language clauses designed to promote their equitable development and vitality in any future federal-provincial agreement negotiated or renegotiated for programs of national scope.** Treasury Board agreed to implement these recommendations.

We conducted another investigation following a complaint filed by the Professional Institute of the Public Service of Canada. The Institute believed that Treasury Board should assume the full cost of simultaneous interpretation during a negotiating session in order to allow its representatives to follow the process in the official language of their choice. Normally, to promote good relations Treasury Board would assume a share of the cost of interpretation services equal to that of the other party.

PIPSC acts officially on behalf of the group that it represents in its collective bargaining sessions and is thus considered a member of the public. Consequently, Treasury Board has a legal obligation to ensure that communications with the PIPSC negotiator take place in the official language chosen by the latter. The Treasury Board representative, as well as the rest of his negotiating team, were able to respect the language chosen by the negotiator in the collective bargaining sessions without using simultaneous interpretation services; we therefore concluded that the complaint was unfounded and so advised both parties.

As well, we began investigating five complaints involving several aspects of language of work and alleging that the work environment at the Treasury Board Secretariat was not conducive to the use of French. As part of this investigation we conducted a survey on language of work among Treasury Board employees. We also obtained various information from official languages officers and interviewed several employees.

Our survey showed deficiencies with regard to written and oral communications between supervisors and employees, meetings and professional training. We also found that nearly a third

of the employees in the Management group do not meet the language requirements of their positions. At year's end we were completing the interviews.

## VIA RAIL

In 1998 we investigated seven complaints involving Via Rail compared to 22 in 1997. Six dealt with service to travellers at stations and on trains and five of these involved service on the Toronto-Windsor line. The seventh complaint, which we ruled unfounded, concerned language of work. We received no complaints dealing with service on trains in the Montreal-Ottawa-Toronto triangle.

We wondered about this drop in the number of complaints, particularly those on trains operating in the Montreal, Ottawa and Toronto routes. The Commissioner feels quite justified in believing that this improvement is largely due to the many representations he has made to Via Rail and the measures undertaken by the Corporation in recent years in connection with the court case he launched against the company over the many shortcomings in its French-language service.

The offer and availability of French-language services on Via Rail trains operating in the Montreal-Ottawa-Toronto triangle and at stations is the object of legal recourse with the Federal Court. One of the fundamental problems of the recourse was the fact that Via Rail claimed that it could not assign the necessary bilingual staff because of the principle of seniority. The Commissioner has always maintained that the application of the Official Languages Act cannot be subordinated to contractual agreements. The parties have held numerous discussions in an effort to settle the dispute.

During the past year Via Rail has made significant changes to the make-up and responsibilities of its work units. The company abolished the position of conductor and created a new bilingual position, that of service manager. These measures were taken to improve the offer and delivery of French-language services on trains travelling the Montreal-Ottawa-Toronto triangle. Via Rail has designated a certain number of bilingual positions on these routes; this is why there is now at least one designated bilingual position in each coach and club car. Via tells us that during the past six months between 98% and 100% of these bilingual positions have been filled by bilingual employees.

At the beginning of the year the Commissioner will have the opportunity to determine the appropriateness of pursuing the case launched under the Act, particularly in light of the results provided by Via Rail and the audit of the service which he undertook in the fall of 1998.

## h) SPECIAL STUDIES

### i) INTERNET, FOLLOW-UP AND PHASE II

At year's end we began a follow-up on our special study published in December 1996 on the use of the Internet by 20 federal institutions. The report of this study, available on our website ([www.ocol-clo.gc.ca](http://www.ocol-clo.gc.ca)), contains 22 recommendations which apply to all federal institutions. **The recommendations relate to, among other things, the services that the federal government provides to the public on the Internet, the language rights of public servants for whom the Internet is a work tool and practices for acquiring and producing two-language browsing software.** The purpose of the follow-up is to examine how the federal institutions covered by the initial study and seven other institutions have implemented the Commissioner's recommendations concerning language of service and language of work in designated regions.

Given that the study of the Internet is more than two years old, that the presence of federal institutions on the Internet has increased significantly since the report was published and that the Internet will become the most important source of knowledge in the twenty-first century the follow-up will not be limited to reviewing the implementation of the recommendations; it will also examine how the selected institutions are fulfilling the federal government's obligation to promote the appropriate use of English and French on the Internet.

We will produce a detailed report on this important study in 1999.

### ii) REORGANIZATION OF THE ROYAL CANADIAN MOUNTED POLICE

In 1998 the RCMP continued the major reorganization it had begun in 1994. As a result some detachments will be merged or reduced and divisions regrouped, which will undoubtedly have significant effects on the language rights of the public and of members of the RCMP in most regions of the country.

The evolution of the role of the RCMP in eight provinces and the two territories, and the community policing duties that it intends to perform in accordance with the agreements signed with these provinces and territories, influence its own perception of its role as a federal institution subject to the Official Languages Act. The regrouping and reduction of detachments in favour of patrol cars have made it necessary to examine the measures implemented by the RCMP to ensure the delivery of adequate two-language services.

Moreover, the specific nature of the RCMP, which distinguishes it from other federal employers, and the policies it is required to adopt with regard to the deployment of its personnel have a considerable influence on the language rights of its members in terms of language of work and equitable participation and

on the rationale for the language requirements of positions. As well, the recent switch from the concept of Unit Bilingual Complement to the linguistic designation of each position, made necessary by the Federal Court decision on the bilingualism bonus could affect the language rights of members of the public and members of the RCMP.

In late 1998 the Commissioner decided to conduct a special investigation of the ongoing RCMP reorganization, which includes new service delivery policies and procedures. The Commissioner will also examine the ways in which the RCMP intends to fulfil its linguistic obligations in terms of service to the public, language of work, equitable participation, language designation of positions and promotion of English and French in this new context.

At the time the study began the Commissioner had received three complaints dealing with the reorganization of RCMP services in the Red River region of Manitoba and the major changes it was to bring about for the Saint-Pierre-Jolys detachment. The complainants felt that the reorganization would contravene Parts IV (Communications with and services to the public) and VII (Support from federal institutions for official language minority communities) of the Act. While writing this report we have learned that following a public information session during which several members of the Franco-Manitoban community expressed their opposition to this project the RCMP decided to postpone the reorganization planned for January 1, 1999, until it receives the recommendations of a committee composed of federal, provincial and municipal representatives and representatives of the community. The Commissioner has observer status on the committee.

### iii) MACDONALD-CARTIER INTERNATIONAL AIRPORT IN OTTAWA

This year we conducted a special study of the language of the services provided to the public at Macdonald-Cartier International Airport in Ottawa. The study was done in response to statements that satisfactory service was not available in both official languages and that the airport failed to project a two-language image. We looked at services provided by concessionaires, air carriers and the offices of Citizenship and Immigration Canada, Revenue Canada (Customs), Transport Canada and Air Canada. We also examined all signs and advertising and their impact on the airport's linguistic image.

In February 1997 the new Authority established to manage the airport officially took over from Transport Canada. It remains subject to the Official Languages Act and has to ensure that services provided at the airport by some 47 concessionaires (including seven air carriers) are available in both English and French. It must ensure that signs and notices are in both official languages. The Authority itself provides few direct services to travellers, most of them being handled by concessionaires, but those it does provide are available in both languages. This includes signs and notices that serve to guide travellers in the airport.



*The absence of active offer and the almost exclusively English commercial signage give the impression that service in French is not available at Ottawa International Airport. Services are available in French most of the time but clients must request it and sometimes have to wait to obtain it, thereby causing frustration. The new Authority has taken measures to improve this situation.*

When we visited the various points of service the greeting was usually in English only. However, on many occasions we were able to obtain service in French. When an employee could not speak French or only with difficulty we sometimes had to wait until a bilingual employee was available.

Since its creation the Airport Authority has taken measures to improve the linguistic aspect of concessionaires' services by requiring, for example, that all employees assigned to the airport be able to provide service in both official languages. The agreements we examined specify the services that businesses must provide in English and French. The level of bilingualism required to provide satisfactory service in both languages is not specified, however; concessionaires rely on the information provided by job applicants. To ensure that the various concessionaires provide service of equal quality in both official languages **the Commissioner recommended that the Authority implement controls in order to ensure that concessionaires with whom it signs agreements respect their official languages obligations, including the active offer of service in English and French. He also recommended that measures be taken to ascertain the level of bilingualism of employees hired by concessionaires to work at the Airport to ensure that they can communicate satisfactorily with travellers and members of the public in both official languages.**

With the exception of pre-boarding checks security services are provided by police officers of the Regional Municipality of Ottawa-Carleton and by the Canadian Corps of Commissioners. On two occasions the commissioners to whom we spoke were unable to respond in French. Since these security officers are often the first point of contact with the public and, in particular, because they are in a position where they can intercept anyone not complying with established security regulations it is essential, in our opinion, that they be able to provide immediate service in both official languages. **The Commissioner recommended that the Airport Authority ensure that officers responsible for security in the air terminal, on every work shift, be able to communicate with members of the public in both official languages.**

We found that the services of Citizenship and Immigration Canada and Revenue Canada (Customs) were actively offered and provided in both official languages. Our interviews showed that the managers and employees of these institutions who are

assigned to the airport are aware of their linguistic obligations and are able to provide satisfactory service in both official languages.

At the Air Canada counters ticketing and baggage check-in agents greeted us in English only. However, we were able to obtain service in French, even at a counter not displaying the two-language service pictogram. At peak periods an employee guides travellers waiting in line to the appropriate counter. When we visited we noted that he spoke to clients in English only. When there is no such employee the first agent to become free calls the traveller, but in English only.

Air Canada is trying to promote and improve the active offer of service in both official languages but it has established few controls to ensure that employees abide by this obligation. **The Commissioner recommended that the carrier put in place the measures required to ensure that agents who provide service in both official languages and the employee assigned to the waiting line use a two-language greeting.** Since the counters where service was available in both official languages were not clearly indicated **the Commissioner also recommended that Air Canada ensure that bilingual employees always place the two-language service pictogram in clear view.** Air Canada's boarding announcements and signage were in both languages, as were its flight schedules and other printed material offered to travellers.

Although Transport Canada itself does not provide services related to the security control of passengers at the airport it is responsible for developing the regulations and guidelines for air carriers. Early in the year the Commissioner completed a study of the language of communications at pre-boarding security control points in airports. He made 15 recommendations to Transport Canada in order to improve the linguistic aspect of communications between staff at security control points and travellers. When we passed through these control points the greeting was in English only every time but we were able to obtain service in French on each occasion. We also found that signs at the entrance to the passenger control sector and on the baggage inspection devices were in both languages.

With regard to the airport's linguistic image, it is largely influenced by the existence of large illuminated advertising signs in the main terminal building, the departures area and the arrivals area. The Authority rents out space for this purpose to firms wishing to advertise. These rentals are a significant source of income. In general, advertising is in English only although some signs are bilingual or have a few words in French. Given its high visibility, this advertising tends to project a unilingual image of Canada's capital.

Since it took over from Transport Canada the Airport Authority has invited firms to advertise in French. It has even offered them financial assistance to make the necessary changes but a number of these firms have declined the offer, preferring to keep



their advertisement in English only. The Authority cannot impose language requirements on private firms nor can it do without the considerable income that this advertising brings in, being a commercial enterprise itself. We encourage it, however, to continue its efforts with client firms to ensure a balance of advertising in each language.

*Airport Authority managers have shown a very open attitude and a willingness to comply fully with their linguistic obligations so that members of the travelling public feel comfortable using the official language of their choice.*

The Authority's managers have also taken various measures to improve services in general and those in French in particular. We congratulate them on their commitment to taking all the corrective measures required in order that Ottawa International Airport provides a full range of services in both English and French.

#### **iv) FOLLOW-UP ON THE STUDY OF FEDERAL OFFICES DESIGNATED TO RESPOND TO THE PUBLIC IN BOTH ENGLISH AND FRENCH**

In 1994 the Commissioner conducted a general study on the provision of services in both official languages in federal offices designated for this purpose. We found that in 79% of cases service was available in the preferred language (without active offer, however). Outside Quebec service in French was available on average in only 72% of cases, with large variations from region to region. In Quebec service in English was available (but generally without active offer) in designated offices in 98.8% of cases. The absence of active offer was a major deficiency all across the country. The Commissioner made 10 recommendations to all federal institutions subject to the Official Languages Act.

In the fall of 1996 we followed up on this study to determine whether there had been any improvement since 1994 and whether the Commissioner's recommendations had been implemented. The follow-up, being conducted region by region, extends over a three-year period. A separate report is to be published for each province and territory. The results are presented office by office so as to enable each one where we found deficiencies to take immediate corrective measures.

Last year's Annual Report described the situation observed in five regions. This year we report on the general trends observed to date and present the results for New Brunswick, Nova Scotia, the National Capital Region and Alberta.

#### **Findings of the progress report**

As shown in Table III.12, quite a few of the 207 offices in this report do not have all the elements essential to the provision of service in both official languages. Accordingly, many of the problems identified in the initial study persist in the same regions. Despite some progress the situation with regard to the human elements of service still leaves something to be desired.

#### **Physical elements**

Except for interior signage and the use of pictograms to indicate availability of service in both English and French the physical elements required for service in both official languages show a regression compared to 1994. We were expecting these elements to be in place since it is easy to post signs and ensure the presence of two-language documentation on display racks. This situation indicates a lack of supervision on the part of the institutions themselves and also on the part of the Treasury Board Secretariat, which, in our view, has not monitored the situation closely enough.

**Table III.12**

Extent to which offices designated to provide services in both official languages meet their linguistic obligations

<b>Service element</b>	<b>Study 1994</b>	<b>Follow-up 1996-97-98</b>
<i>Physical elements</i>		
Exterior signs	95%	90%
Interior signs	85%	88%
Documentation	85%	78%
Forms	92%	83%
Pictogram	64%	84%
<i>Human elements</i>		
Two-language greeting on the telephone	54%	57%
Two-language greeting in person	26%	21%
Service on the telephone	74%	58%
Service in person	67%	71%
Adequate two-language capability	68%	59%

## **Human elements**

### **Active offer of service**

With regard to human elements, i.e., those that have to do with the actual provision of service, the recommendations we made in 1994 have not produced the results that the public was entitled to expect. First, the methods used by the designated offices to invite members of the public to use the language of their choice are far from being satisfactory. The follow-up showed that a two-language greeting on the telephone is used consistently only 57% of the time. Second, in only 21% of the offices visited was the greeting in person in both languages. This is a regression from the situation described in the initial study.

We acknowledge that TBS has made laudable efforts to promote the benefits of active offer by creating and distributing a new sign to all the offices designated to provide service in both English and French. It has also produced a video on the subject and its staff have organized familiarization sessions for managers in all regions. TBS has commissioned a study on the availability of telephone service in designated offices, including a greeting in both official languages. Below, we present some results of this study. TBS should, however, put in place more rigorous monitoring measures with regard to institutions whose linguistic performance is still not up to par.

### **Service on the telephone**

In the offices we visited for our follow-up the performance for service provided in both official languages had fallen from 74% in 1994 to 58%. The fact that the telephone greeting was in only one language in 43% of the offices visited explains in part this rather negative picture. However, as our successive reports show, call transfers made in only one language, unilingual messages on the voice mail of employees required to provide service in both English and French and the absence of bilingual staff are also factors that interrupt the chain of service in both official languages. In short, members of the public must too often show perseverance and even tenacity to obtain service in the language of their choice.

### **Service in person**

Service in person in both official languages has improved somewhat compared to 1994. The rate of effectiveness rose from 67% to 71% in the same regions. However, service was not always available in French in 29% of the offices designated bilingual that we visited. Thus, 29 designated offices (14% of the offices visited) which did not provide service in French in 1994 were still unable to do so. In 27 other offices (13% of the offices visited) the situation has deteriorated since 1994. In most cases these offices did not have sufficient two-language capability to provide consistent service in French.

## **Two-language capability**

The two-language capability of designated offices has declined. In 1994 68% of designated offices had at least adequate two-language capability; our follow-up showed that barely 59% of designated offices now have an adequate capability. We find this disturbing, especially since the number of designated offices has declined across Canada due to budget cuts. Thus, 21 (10%) of the offices we visited had no two-language capability on site while 45 others (22%) had only one bilingual employee. In such cases the absence of this single bilingual employee deprives the office of its entire ability to provide service in both official languages. Needless to say, offices designated to provide service in both languages must have adequate two-language resources.

## **Informing the public**

Before beginning our follow-up we met with the official language minority communities. They complained about not being properly informed of the location of bilingual offices and the services provided by each; this was confirmed by the follow-up. TBS, which keeps the list of offices required to provide two-language service up to date and posts it on the Internet, did, however, publish inserts in 1994 and 1997 in official language minority newspapers to inform the public about the location of these offices.

In reviewing the information given in the TBS directory we found 20% of it was erroneous. We also consulted local telephone directories. The follow-up showed that the entries in these directories are usually identical in both languages and do not enable members of the official language minority communities to determine which offices are designated bilingual.

## **Response of federal institutions**

Institutions responded to our reports by taking steps in order to rectify the deficiencies brought to light. A future follow-up will tell us whether these measures have borne fruit. We encourage TBS to exercise more rigorous monitoring.

## **Response of the Treasury Board Secretariat**

The progress report contains seven recommendations urging TBS to show more leadership and to take immediate vigorous measures with regard to designated offices of institutions unable to provide proper service in both official languages.

According to TBS federal institutions themselves are now responsible for implementing official languages policies. TBS's role is to set broad policies and assess the overall status of the program by asking institutions to report once a year on how they are meeting their linguistic obligations. TBS relies on information from the institutions, both for the list of designated offices (including addresses and telephone numbers) and for the action

plans required as a result of studies such as the one we conducted in 1994. TBS sometimes conducts its own studies and forwards the results to the targeted institutions, asking them to report the following year on the action they have taken on them.

TBS points out that it is conducting a series of audits in certain metropolitan areas and will try to include offices that have not been examined thus far by the Commissioner. It also commissioned a study on the availability of telephone service in both official languages, the results of which are definitely more positive than those of our follow-up. According to this study members of the public are greeted in both languages slightly less than seven times out of 10 nationally and nearly nine offices out of 10 can provide adequate service in the minority language.

Various factors may have contributed to this more optimistic picture of the availability of telephone service in both official languages in offices designated bilingual. For example, only the telephone number most likely to be used by the public was called. The capability to provide telephone service in both languages is usually better at this number than it is at other numbers listed in the directory. The report of the study also shows that language quality posed a communications problem in 11% of cases and that the investigators had to use the majority language to obtain service in the minority language 10% of the time. Yet these results seem to be included among the situations where service was, in the end, provided. This confirms that, very often, members of the public must show tenacity to obtain service in their language. In short, the situation experienced daily by members of the official language minority communities across the

country seems considerably less encouraging than the study commissioned by TBS indicates.

### Findings of the follow-up in four regions

In addition to the progress report separate reports were produced in 1988 for New Brunswick, Nova Scotia, the National Capital Region and Alberta. Table III.13 compares the results obtained in the follow-up with those in the 1994 study for each element of service in both official languages.

### A slight regression in New Brunswick

Compared to the situation observed in 1994 the follow-up shows that the provision of service in both official languages has regressed slightly in New Brunswick. It indicates a lack of vigilance by managers of designated offices in ensuring that forms and documentation are always available in both official languages. However, a larger number of offices now display the TBS pictogram to indicate that they provide service in both official languages.

The two-language greeting on the telephone was unchanged at 62% while for service in person it is now offered in slightly fewer than two offices out of 10. The two-language capability of designated offices has decreased as shown by a regression in the provision of service in both official languages, both on the telephone and in person.

**Table III.13**

Comparative results of study (1994) and follow-up (1998) by province and territory in offices designated to provide services in both official languages

Province/Territory	New Brunswick		Nova Scotia		National Capital Region		Alberta	
	Study %	Follow-up %	Study %	Follow-up %	Study %	Follow-up %	Study %	Follow-up %
Exterior signs	99	98	93	98	94	92	96	90
Interior signs	93	92	92	93	73	97	88	90
Documentation	91	83	96	84	100	100	91	84
Forms	100	90	97	100	100	100	92	94
Pictogram	71	82	72	86	51	80	53	79
Two-language greeting on the telephone	62	62	43	67	81	81	52	50
Two-language greeting in person	19	16	8	11	56	41	8	12
Service on the telephone	84	77	78	73	92	97	84	62
Service in person	85	78	73	72	78	92	63	66
Adequate two-language capability	81	77	77	60	74	92	75	60



### **A disturbing situation in Nova Scotia**

The offices designated to provide service in both official languages in Nova Scotia show a rather contradictory situation. On the one hand they have made notable progress with regard to the presence of the physical elements required to provide service in both English and French. Nearly seven out of 10 offices now greet members of the public on the telephone in both official languages. On the other hand service in French in person has not improved and service in French on the telephone is less available than it was in 1994, since the two-language capability of designated offices has been considerably reduced. The province's official language minority community has reason to complain.

### **Progress in the National Capital Region**

According to the 1994 study head offices and national offices in the National Capital Region were generally providing very good service in both English and French; offices where we found deficiencies served mainly the local population in Ontario. The follow-up showed that some of the problems revealed in the study have been or are being corrected. In general, the physical elements required to provide two-language service have been improved. Service on the telephone in both official languages is available in nearly all cases. The same is true of service in person, with a few exceptions. There has been a significant improvement in the two-language capability of offices; a number of small offices where deficiencies had been noted in the initial study have increased their bilingual staff, while others are making more effective use of existing staff.

Two-language greeting on the telephone has remained the same but greeting in person in both English and French in federal offices in the National Capital Region has deteriorated. In our follow-up barely four offices out of 10 greeted members of the public in person in both languages.

### **Inadequate service in Alberta**

Our follow-up showed that designated federal offices in Alberta consistently experience difficulty in providing service in both official languages, particularly on the telephone. The greeting on the telephone is in both English and French only half the time and a bare six designated offices out of 10 are able to provide service in French. In addition, only one out of 10 designated offices greets clients who come in person in both languages. It should be noted, however, that nearly seven out of 10 designated offices are able to provide service in person in both official languages; this is a slight improvement over the situation observed in 1994. However, the service provided in French by a number of offices is often rudimentary and the services of bilingual employees are in great demand, the same person being often required to provide all two-language services for an entire office. The two-language capability of designated federal offices in the province

has deteriorated compared to 1994. Alberta's French-speaking community had informed us of these deficiencies.

With regard to the physical elements required to provide service in both official languages, we found that nearly eight out of 10 designated offices now display the TBS pictogram. However, the managers of designated offices in Alberta should show more vigilance in ensuring that the signs and notices in their office meet the requirements of the Act and that documentation is always available in both official languages.

### **Commissioner's recommendations**

Our follow-up reports for these four regions contain 440 recommendations designed to cause the managers of each office to rectify the many deficiencies found and thereby provide better service in both official languages. We believe that all offices designated bilingual should be able to provide the service to which the public is entitled in both official languages.

## **v) THE LABOUR FORCE DEVELOPMENT STRATEGY SINCE THE 1995 INVESTIGATION**

In 1998 we completed our follow-up on our investigation of Human Resources Development Canada's occupational training program in Ontario.

In his 1995 report the Commissioner made three recommendations concerning data capture by both orders of government (to distinguish between training provided in English and that offered in French) to evaluate the impact of programs and services on the development and vitality of the Franco-Ontarian community. Steps have been taken by HRDC's national headquarters to capture official-language-related data both internally and from third parties. We believe, however, that for such data capture to be effective it must be linked specifically to the evaluation of program effectiveness in assisting the development of the Franco-Ontarian community. This requirement ought to be built into Labour Market Development Agreements and should reflect a commitment by both parties to track results. This has not yet been done.

Two of the recommendations concerned a review of the organizational structure for labour force development in Ontario in order to determine to what extent it actually responds to the needs of the French-speaking community and the expansion of the mandate of the Canadian Labour Force Development Board to include the provision of advice to HRDC in carrying out the government's commitment set out in Part VII of the Official Languages Act. The creation of the National Committee for Canadian Francophone Human Resources Development in our view addresses the intent of these recommendations.

Three recommendations concerned the active offer of training in the client's preferred language, the establishment of specific

objectives in future labour force development agreements to take account of the requirements of Part IV and of the government's commitment set out in Part VII to enhance the vitality of the English and French linguistic minority communities in Canada and to support and assist their development, and the improvement of the process for determining the needs of Francophones for labour market training.

HRDC staff have been reminded of their obligations in regard to active offer under Part IV of the Act. As to the establishment of objectives, the Employment Insurance Act includes only the requirement that programs and services be provided in both official languages where there is significant demand (Part IV). None of the LMDAs mentions the government's commitment to supporting the development of the official language minority communities (Part VII). HRDC is of the view that since Part VII does not impose specific obligations on federal institutions in the same way as Part IV, for example, Part VII considerations can best be addressed through federal-provincial/territorial operating committees. In our view failure to include Part VII requirements in a new agreement with Ontario can have serious consequences for the Franco-Ontarian community: unless programs and services are conceived taking into account the specific needs of the community they may well fall short of contributing to its development.

Improvements to the process for defining the training needs of Francophones are determined in consultation with the community; in this connection HRDC's Ontario Region has become more active at the local level in making its programs and services known and in reaching out into the community. An important step at the regional level has been the creation of the Ontario Region Francophone Forum for giving effect to Part VII.

The last three recommendations dealt with the provision of guidelines for local labour market boards, Francophone representation on these boards proportionate to their presence in the total community, and the reassessment of local board boundaries to ensure that the number of Francophones in each of the new areas is not lower than before. According to HRDC, guidelines for local boards in Ontario are provided through joint federal-provincial communiques and HRDC monitors the establishment of local boards to ensure that Francophones are represented proportionately to their presence in the total community. As to reassessment of local board boundaries, the Department maintains its position that they were designed to be representative of all members of the communities that form the local board area, including Francophones. We believe that Francophones should be represented on local boards proportionately to their presence in the total community, and will follow this closely.

HRDC's Ontario Region has been sensitive to the issues raised in the complaint and has included in its Part VII Implementation Action Plan measures designed to raise awareness and increase labour market development opportunities for Franco-Ontarians. Unfortunately, no follow-up mechanism was put in place for correcting deficiencies in data capture. HRDC's nation-

al headquarters ought to give priority to developing effective systems support to track results achieved in meeting the needs of the Franco-Ontarian community.

A Canada-Ontario LMDA is currently under negotiation. The Franco-Ontarian community is seeking to take an active part in defining its own training needs and priorities, determining how the services will be delivered and evaluating the adequacy of these services. We support the community in this endeavour. We believe that the Canada-Ontario LMDA should reflect a clear commitment by both parties to support the development of the Franco-Ontarian community and should provide for concrete measures to this end.

### **i) THE MERIT LIST**

In recent years we have highlighted the praiseworthy efforts made by a number of institutions to implement the Official Languages Act by including them in a merit list in our Annual Report. Since 1992 we have honoured 44 federal offices in this way.

By recognizing the merit of a number of offices and their staffs we also hoped to encourage similar initiatives within the federal administration. We are pleased to see that our hopes have been realized. This year the Treasury Board Secretariat introduced an Official Languages Award of Distinction to honour individuals or teams "that have demonstrated initiative and creativity and have adopted practices that have produced tangible results in the implementation of the Official Languages Program" and Canadian Heritage and Justice Canada have launched similar programs. To give as high a profile as possible to these initiatives the three institutions took advantage of the National Symposium on Canada's Official Languages, held in September, to present their first awards.

The six awards presented by the Treasury Board Secretariat aimed at recognizing good performance by federal employees or offices in the area of official languages. The four presented by Canadian Heritage acknowledged the work of persons who contributed to the development of their language community while those given by Justice Canada highlighted the contributions of individuals to the advancement of linguistic and judicial duality. The Commissioner is pleased to see these initiatives, which tie in with the one that he launched at the start of his term, and he hopes that the central agencies will continue to follow this practice.



## 2. CENTRAL AGENCIES

### a) THE FEDERAL ADMINISTRATION

Each federal institution is responsible for the administration of its internal official languages program but the implementation of this program throughout the federal administration depends on the joint efforts of three central agencies, the Treasury Board, the Public Service Commission and the Department of Canadian Heritage, assisted by the Translation Bureau, which reports to the Department of Public Works and Government Services.

#### **TREASURY BOARD SECRETARIAT**

The Treasury Board Secretariat is responsible for the overall planning and co-ordination of official languages programs throughout the federal Public Service. The President of the Treasury Board reports on the implementation of the Official Languages Act in his Annual Report to Parliament.

#### **Service to the public**

As stated in the Official Languages Act and pursuant to the criteria set out in its regulations Canadians have the right to communicate with federal institutions and receive services from them in both official languages. The Treasury Board's Annual Report on Official Languages 1997-1998 states that as of March 31, 1998, 29% of the 12,066 offices and points of service had the obligation to serve the public in both official languages. In 1994 TBS conducted a series of audits on the provision of two-language services by federal institutions in census metropolitan areas. In the current fiscal year it completed the third phase of this audit and the results will be published on TBS's Internet site by March 31, 1999. Recently, service to the public has been the subject of three other TBS audits. The first dealt with two-language service on the telephone and the other two with the provision of service in French in western Canada and Ontario.

This first evaluation, which was carried out in March 1998 by Canadian Realities for TBS, measured the availability and quality of service provided on the telephone in federal offices all across Canada. The results of this evaluation are presented in Part III of this Report under the heading "Special studies".

The audit that TBS conducted in western Canada<sup>1</sup> evaluated service in French in 45 federal offices located in Winnipeg, Saskatoon, Calgary, Vancouver and Victoria. The other audit was restricted to Ontario<sup>2</sup> and examined the service in French

provided by 53 offices in Sudbury, Oshawa-Bowmanville, St. Catharines-Niagara, Hamilton, London and Windsor.

The two audits revealed serious deficiencies in the provision of service in French, the most important being the inadequate two-language capability of employees and non-compliance with the language requirements of bilingual positions. The auditors noted the absence in a number of locations of monitoring procedures to ensure consistent provision of service in French comparable in quality to that provided in English; this includes active offer and the greeting in person and on the telephone.

As a result of these two audits TBS recommended that the institutions concerned take the necessary steps to provide satisfactory service in French in the offices in question. The recommendations also emphasized the necessity of meeting with members of the French-speaking community served by these offices so as to respond adequately to their needs with regard to linguistic service. As for the provision of service by third parties, particularly those services provided by concessionaires, the audits suggested the inclusion of a language clause in leases signed with Transport Canada to ensure service in the minority official language and the adoption of monitoring measures.

Especially at the airports in Winnipeg, Calgary and Vancouver and the railway terminals in Winnipeg and Vancouver concessionaires have proven unable, most of the time, to serve clients in French. With few exceptions the same is true of Canada Post's outlets in the cities visited.

Despite the long existence of the Official Languages Act some managers are unaware of or indifferent to their linguistic obligations. For example, in Oshawa-Bowmanville alone the managers of seven offices were unable to convince TBS auditors of their ability to administer the official languages program satisfactorily. A manager of a Health Canada office in Victoria did not even know that he had an obligation to serve the public in French and the manager of the Canada Employment Centre there did not want his employees to offer service actively in both official languages. In Saskatoon the Canada Employment Centre uses two-language telephone messages but it is impossible to have an interview in French. The office of the Labour Program provides service in French by means of a telephone number in Regina but the client must pay for the long-distance call.

The results of a survey conducted by TBS auditors of the clients of four offices in Winnipeg showed that they were most often greeted in English and only sometimes in both official languages. "In every case, visitors were served in English, the preferred language of every client but one. In addition, nearly all the visitors expressed satisfaction with the service received."<sup>3</sup> This comment can be found, almost word for word, in the evaluation reports on offices in each city visited, even Sudbury. This

<sup>1</sup> TBS, Managing Better 20, Official Languages Audit-West, TBS Internet site, May 1998.

<sup>2</sup> TBS, Managing Better 21, Official Languages Audit-Ontario, TBS Internet site, May 1998.

<sup>3</sup> TBS, Managing Better 20, *op. cit.*



city, which has a large French-speaking minority, does not differ from the others as far as the survey results are concerned: "Visitors were served in the language of their choice: English."<sup>4</sup> This finding should prompt managers to redouble their efforts with regard to both the active offer of service and the public's education with respect to their language rights.

In addition to its recommendations to the institutions in question TBS is continuing to organize workshops on service to the public in every region and to visit offices designated to serve the public in both official languages. These activities, which it has been pursuing for some years, are still necessary, judging by persistent language problems.

In 1994 the Office of the Commissioner of Official Languages conducted a wide-ranging study throughout the country on the provision of two-language service in offices and at points of service designated to serve the public in both official languages. Since 1996 we have been conducting follow-ups to compare recent results with those of the 1994 study. These results are presented in Part III, Chapter 1 (h)(iv).

### Language of work

Under the Official Languages Act "English and French are the languages of work in all federal institutions, and officers and employees of all federal institutions have the right to use either official language" in the regions designated for that purpose.

In 1996 TBS conducted a special study in federal offices in New Brunswick.<sup>5</sup> This survey showed some deficiencies in the use of French, particularly in staff meetings, internal services, staff training and informatics. The institutions in question were therefore required in their report to TBS to indicate the measures taken to correct problems observed in their regional offices in New Brunswick. Since these problems have a tendency to persist TBS should regularly ask these institutions to specify the extent to which they have succeeded in eliminating them.

A second phase of the TBS survey in the area of language of work began early in 1998 in Northern Ontario. The next Annual Report on Official Languages of the President of the Treasury Board is expected to include the results.

This year TBS published on its Internet site a study carried out early in 1996 on language of work in the area of information technology.<sup>6</sup> This study covered 14 federal institutions in the National

Capital Region. The problems most often revealed were the absence of accent marks in French in software and on computer keyboards, the lack of French versions of certain regularly and widely used software, computer training provided in English only and instances of troubleshooting service not available in French. TBS auditors found that no institution had dealt with the official languages aspect when planning information management. Following this study TBS made a series of recommendations to the institutions in question. We believe that such laxity must be rectified as quickly as possible.

### Computer networks — Information highway

In his Annual Report on Official Languages 1997-1998 the President of the Treasury Board explained that the two-language electronic sites of federal institutions ensure the availability everywhere in Canada in both official languages of regularly and widely used work instruments (guides, manuals and policy publications) and that they constitute "active, ongoing offers of service". Simultaneously, they contribute to the advancement of institutional bilingualism and to the visibility of the role of the two official languages. To ensure respect for the Official Languages Act at the beginning of the 1997-98 fiscal year TBS published a Policy on Using the Official Languages on Electronic Networks.

### Linguistic performance of senior managers

As Treasury Board announced last year it had to determine a policy for senior public servants who are incumbents of bilingual positions but who would not meet the language requirements of their positions by April 1, 1998. Under the new Treasury Board language policy,<sup>7</sup> which came into force on May 1, 1998, assistant deputy minister positions now have a language profile that requires levels CBC<sup>8</sup>, that is, C in written comprehension, B in writing and C in oral interaction. The acquired rights of incumbents who have not been able to meet the language requirements of their position will be protected until April 1, 2001. Afterwards, they will have until March 31, 2003, to achieve the required levels of linguistic proficiency. If they do not, institutions will apply the pertinent regulatory provisions.

The new policy also stipulates that the staffing of assistant deputy minister positions by internal competition requires that candidates already meet the position's language profile (imperative staffing). However, staffing of such positions by outside competition may or may not be imperative depending on the staffing policy for bilingual positions. The staffing of EX posi-

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<sup>4</sup> TBS, Managing Better 21, *op. cit.*. The graph of the survey of federal offices in Sudbury also shows the level of satisfaction compared to the quality of language.

<sup>5</sup> TBS, Survey on the Use of the Official Languages at Work in Federal Institutions in New Brunswick-1996, July 1997. We reported on this survey in our 1997 Annual Report.

<sup>6</sup> TBS, Managing Better 19, Official Languages Information Technology Audit, May 1998.

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<sup>7</sup> Treasury Board Policy concerning the Language Requirements for Members of the Executive Group, Ottawa, 1998.

<sup>8</sup> The proficiency levels for these categories are "C" for Superior and "B" for Intermediate. Note that EX members who are not assistant deputy ministers but are at the same level are not necessarily subject to the same language requirements.

tions which are not assistant deputy minister positions, whether by internal or external competition, may also be done by imperative or non-imperative staffing. When the latter method of staffing is used members of the EX group have two years in which to learn the second official language.

### Part VII of the Official Languages Act

Under Section 41 of the Act the government is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and to supporting and assisting their development. Pursuant to a memorandum of understanding signed in March 1997 by TBS and Canadian Heritage federal institutions for which Treasury Board is the employer must include in their strategic planning their responsibilities to the official language minority communities. They must designate a departmental responsibility centre, i.e., a senior official who will be recognized as an official languages "champion" and who will report to the deputy minister, who, in turn, will make a report to TBS on progress. Any submission to Treasury Board or memorandum to Cabinet will have to indicate how the departmental policy or program submitted for approval may have a beneficial impact on the development of the official language minority communities.

A National Symposium on Canada's Official Languages, organized jointly by TBS, Canadian Heritage and the Department of Justice, with the theme "Official Languages: Passport to the 21st century", was held in Ottawa in September 1998. It enabled participants to take stock of the achievements of the Official Languages Act since 1988, to identify deficiencies and to map out future paths in the socio-linguistic, legal and cultural fields.

### PUBLIC SERVICE COMMISSION

The Public Service Commission (PSC) plays a central role in the operational implementation of the Official Languages Act. It is responsible for staffing positions in all institutions for which Treasury Board is the employer and for language training of federal employees to ensure that they meet the language requirements of their position and can provide services and supervision in both English and French in federal departments.

#### Pursuing new approaches

In 1998 the PSC celebrated its 90th anniversary and in fiscal 1997-98 it was still restructuring its own administrative system as part of the general renewal of the federal Public Service. In this new context departments must evaluate their own performance and report to the PSC, which in turn reports to Parliament. The PSC is thus abandoning the monitoring of individual operations in favour of a staffing system based on the merit principle and values. It also provides recourse procedures for those who wish to appeal staffing decisions.

For the PSC staffing reform is the cornerstone of public service renewal and has priority over all other programs. Since this reform is being accomplished by delegating powers to the departments the resulting internal sub-delegation gives managers more room to manoeuvre in establishing the language profiles of positions, choosing the staffing method and approving the language training period (if one is necessary). There is still no directive specifying the extent to which a manager is required to take compliance with the Act into account when staffing positions. In this area the PSC will have to issue specific guidelines for the delegation of powers and discuss with the institution in question the best way of promoting accountability.

#### Staffing

In 1998 the PSC made some 108,899 appointments, 25,626 (23.5%) of which were to fill bilingual positions. Compared to the previous year the total number of appointments fell by 2,147<sup>9</sup> but the number of appointments to bilingual positions increased by 2,689.

#### Demographic representation

Official language minorities' participation in the federal Public Service in 1998 is shown in Table III.14. The total number of public employees in the western provinces fell by 815, of whom 78 were Francophones. In each of these provinces the changes between the 1997 and 1998 figures were negative, but they do not exceed 0.5%. The largest decline in the number of French-speaking employees was in Manitoba: 47 compared to 23 in British Columbia, seven in Alberta and one in Saskatchewan.

Ontario showed a loss of 58 French-speaking employees but the rate of representation remained stable. The situation was essentially the same in the National Capital Region (NCR), where there was a reduction of only three French-speaking employees.

In Quebec the number of English-speaking employees increased from 1,400 in 1997 to 1,750 in 1998. They now account for 6.9% of federal employees in the province compared to 5.3% in 1997.

In the eastern Canadian provinces, despite the departure of 194 French-speaking employees, the participation rate was nearly the same as in 1997.<sup>10</sup> Only Nova Scotia, with a gain of 15, showed an increase in French-speaking employees. In the other provinces the numbers of French-speaking staff decreased, the

<sup>9</sup> In 1997 the number of appointments was 111,046, of which 22,937 were to fill bilingual positions, 20.7% of the total.

<sup>10</sup> In Nova Scotia the percentage changed from 4.9% to 5.5%; in New Brunswick from 36.3% to 36.1%; in Prince Edward Island from 7.7% to 7.2%. In Newfoundland it remained unchanged at 0.5%.

largest drop taking place in New Brunswick with the departure of 192 employees. Prince Edward Island lost 13 employees and Newfoundland four.

This year in Yukon and the Northwest Territories the total participation of French-speaking employees increased from 31 to 33.<sup>11</sup>

### Bilingual positions

Table III.14 shows the numbers and percentages of bilingual positions recorded in 1998. Compared to 1997 western Canada showed a decrease of five bilingual positions while remaining at the same percentage.<sup>12</sup> In British Columbia there were 37 additional bilingual positions while in Alberta the number increased by two. Manitoba and Saskatchewan saw a decrease of 34 and 10 positions respectively.

<sup>11</sup> In these two regions the rate increased from 2.9% to 3%.

<sup>12</sup> In British Columbia the percentage changed from 3.1% to 3.4%; in Alberta from 4.1% to 4.2%; in Saskatchewan from 4.1% to 4%; and in Manitoba from 7.1% to 6.9%.

**Table III.14**

The official language populations, 1996, and Public Service\* populations and bilingual positions, 1998

	TOTAL population	Minority official language population		TOTAL public servants	Minority official language public servants		Bilingual positions	
<b>WEST</b>								
British Columbia	<b>3,689,755</b>	56,310	1.5%	17,715	268	1.5%	606	3.4%
Alberta	<b>2,669,195</b>	52,500	2.0%	10,513	247	2.3%	438	4.2%
Saskatchewan	<b>976,615</b>	17,720	1.8%	4,900	55	1.1%	195	4.0%
Manitoba	<b>1,100,295</b>	46,570	4.2%	8,144	271	3.3%	566	6.9%
<b>Total</b>	<b>8,435,860</b>	<b>173,100</b>	<b>2.1%</b>	<b>41,272</b>	<b>841</b>	<b>2.0%</b>	<b>1,805</b>	<b>4.4%</b>
Ontario (excluding the National Capital Region)	<b>9,887,305</b>	365,825	3.7%	28,322	1,311	4.6%	2,423	8.6%
National Capital Region	<b>1,000,940</b>	350,760	35.0%	<b>61,043</b>	23,994	39.3%	36,362	57.6%
Quebec (excluding the National Capital Region)	<b>6,799,640</b>	886,445	13.0%	25,288	1,750	6.9%	13,912	55.0%
<b>EAST</b>								
New Brunswick	<b>729,625</b>	241,040	33.0%	5,205	1,877	36.1%	2,230	42.8%
Nova Scotia	<b>899,970</b>	34,615	3.8%	9,710	536	5.5%	1,007	10.4%
Prince Edward Island	<b>132,855</b>	5,335	4.0%	2,324	168	7.2%	456	19.6%
Newfoundland	<b>547,160</b>	2,270	0.4%	4,466	21	0.5%	81	1.8%
<b>Total</b>	<b>2,309,610</b>	<b>283,260</b>	<b>12.3%</b>	<b>21,705</b>	<b>2,602</b>	<b>12.0%</b>	<b>3,774</b>	<b>17.4%</b>
Yukon and Northwest Territories	<b>94,780</b>	2,490	2.6%	1,105	33	3.0%	43	3.9%

\* Besides Crown corporations and the Canadian Forces, this table does not include public servants working abroad (1,031) nor those whose files are incomplete (1,382).

Sources: First Official Language Spoken, 1996 census, Statistics Canada; Treasury Board, September 1998.



**Table III.15**  
Language requirements of positions, 1994-98

Positions	1994	1995	1996	1997	1998
Bilingual	60,959 28.8%	60,605 31.4%	63,076 31.4%	59,527 31.9%	58,710 32.4%
English essential	126,815 60.0%	110,928 55.5%	114,938 57.3%	104,862 56.3%	101,293 55.9%
French essential	13,764 6.5%	12,691 6.3%	12,775 6.4%	11,586 6.2%	11,025 6.1%
Either/or	9,992 4.7%	8,608 4.3%	8,480 4.2%	7,857 4.2%	7,517 4.1%
<b>TOTAL</b>	<b>211,530</b>	<b>200,017<sup>1</sup></b>	<b>200,647<sup>2</sup></b>	<b>186,401<sup>3</sup></b>	<b>181,148<sup>4</sup></b>

We have no information on the language requirements of the positions of 7,185 employees (3.6%).

<sup>2</sup> We have no information on the language requirements of the positions of 1,378 employees (0.76%).

<sup>3</sup> We have no information on the language requirements of the positions of 2,569 employees (1.4%).

<sup>4</sup> We have no information on the language requirements of the positions of 2,603 employees (1.4%).

Source: Treasury Board.

**Table III.16**  
Bilingual positions: Levels required, 1994-98

	1994	1995	1996	1997	1998
Elementary (A)	2,105 3.5%	1,849 3.1%	1,763 2.8%	1,467 2.5%	1,318 2.2%
Intermediate (B)	45,947 75.4%	44,674 73.7%	46,842 74.3%	44,337 74.4%	42,661 72.7%
Superior (C)	10,702 17.6%	10,468 17.3%	12,134 19.2%	11,752 19.7%	12,695 21.6%
Other	2,205 3.6%	3,614 6.0%	2,337 3.7%	1,971 3.3%	2,036 3.5%
<b>TOTAL</b>	<b>60,959</b>	<b>60,605</b>	<b>63,076</b>	<b>59,527</b>	<b>58,710</b>

Source: Treasury Board, Position and Classification Information System, September 1998.

In Ontario, despite a decrease of 43 bilingual positions this year, the percentage of bilingual positions increased slightly (by 0.3%). In the NCR there was a loss of 608 bilingual positions but the participation rate remained the same. In Quebec the number of bilingual positions fell by 289 in 1998 but the participation rate increased (by 0.8%).<sup>13</sup>

Overall, the Atlantic provinces showed a loss of 129 bilingual positions since 1997. The difference between the rates, either positive or negative, did not exceed 1.1% for any province.<sup>14</sup> The number of bilingual positions fell in New Brunswick (150 compared to 423 last year) and in Prince Edward Island (seven positions). However, there were 15 additional bilingual positions in Nova Scotia and 13 in Newfoundland.

Yukon and the Northwest Territories showed a gain of 10 bilingual positions in 1998, bringing the percentage of bilingual positions from 3.1 to 3.9%.

### Imperative staffing

In September 1998 the federal Public Service had some 181,148 positions, of which 58,710 (32.4%) were designated bilingual. As Table III.15 shows there was a slight increase this year in the percentage of bilingual positions. These positions have a language profile the incumbent must meet. When bilingual positions are staffed imperatively appointees must be able to meet the positions' language requirements on taking up their duties. In 1998 84.7% of appointments to bilingual positions, both term and indeterminate, were made by means of imperative staffing (a decrease of 3% compared to last year). Positions staffed imperatively represented 19.9% of all appointments made in 1998 compared to 18.1% in 1997.

### Non-imperative staffing

A unilingual candidate may apply for some bilingual positions, subject to being able to learn the second official language and to meet the language requirements of the position within a specified time. Thus, 27.5% of inde-

terminate bilingual positions were staffed non-imperatively in fiscal 1997-98. The PSC may assist a unilingual candidate in learning the second official language (see "Language training" below).

Since over two-thirds of public service positions are not designated bilingual, unilingual candidates may apply for unilingual

<sup>13</sup> In Ontario the participation rate increased from 8.3% to 8.6%; in the National Capital Region it remained unchanged at 59.6%; in Quebec it increased from 54.2% to 55%.

<sup>14</sup> In New Brunswick the participation rate changed from 41.7% to 42.8%; in Prince Edward Island from 19.7% to 19.6%; in Nova Scotia from 9.3% to 10.4%; and in Newfoundland from 1.5% to 1.8%.

positions not only from among “English or French essential” positions but also from among the so-called “either/or” positions, where the language designation may be either English or French and where it is not necessary to meet bilingualism criteria.

### **Language requirements of positions**

There are three levels of proficiency in the language profiles of positions: at level A knowledge of the second official language is considered elementary, at level B intermediate and at level C superior. For some years level A has been considered too low to enable incumbents of bilingual positions to perform all their duties. The same is true of level B in regions designated bilingual for language of work purposes, where incumbents have to supervise both English- and French-speaking employees. Such managers need level C.

Under Section 91 of the Official Languages Act the requirements for the provision of service in both official languages and the opportunity to work in the official language of one’s choice apply only if they are objectively required.<sup>15</sup>

Table III.16 shows that the percentage of positions requiring level C has increased by some 4.3% in the past five years. In 1998 they represented 21.6% of all bilingual positions. During the same period there has been a gradual decrease in positions requiring level A from 3.5% in 1994 to 2.2% in 1998.<sup>16</sup>

### **Language training**

The PSC provides official language courses to federal employees to help them meet the language requirements of their positions. In 1998 the PSC launched a series of pilot projects to facilitate second-language learning with the use of software that allows students to learn at their own pace. It also established a distance training program, including video conferences, for members of the EX group.

The cost of the language training given in 1997 in departments for which Treasury Board is the employer and in the other institutions was \$46.1 million. There was a reduction of \$4.9 million this year, attributable in large part to a decrease in demand.<sup>17</sup>

### **Evaluation of linguistic proficiency**

Compared to 1997 in the Public Service overall the success rate on evaluation of second official language proficiency fell by 2% in reading and increased by 1% in oral interaction. The rate in writing remained the same at 83%.

Over the years oral interaction has always posed the greatest problems. In 1998 the Executive group had a success rate of only 43% at level C in oral interaction. This rate, the lowest of all the professional groups in this area, was 51% in 1997. The Operational category had the highest rate, 91%, while for the other groups the rate was about 63%. For overall success rate in the three categories the Executive group had the lowest rate at 44%.

### **Translation**

The Translation Bureau is the principal agency performing translation and interpretation work for the federal government. Since the Bureau became a special operating agency (SOA) in 1995 the institutions that use its services are now required, as clients, to pay for translation and other linguistic services, with the exception of interpretation and terminology services. They may also obtain translation services from the private sector.

The Bureau informs us that it has, for the most part, met its budgetary objectives and that each year since its transformation into an SOA its business volume has increased by approximately 10%. On the other hand, it suffers from a shortage of staff and to remedy the situation has begun a long-term recruiting campaign. In 1998 the Bureau translated nearly 210 million words.

At present some 75% of federal institutions have obtained access to TERMIUM, the largest terminology bank in the world. This data base provides English and French equivalents of standardized terminology in a multitude of fields.

### **Bilingualism bonus**

The bilingualism bonus arises from a Treasury Board decision to pay a bonus to employees who fill a position designated bilingual and who meet the language requirements of that position.<sup>18</sup> It consists of a yearly fixed salary supplement of \$800.

However, the bonus is not payable to all employees; among those excluded are members of the Executive group, translators, stenographers and incumbents appointed by the Governor in Council. The bonus is part of the collective agreements signed with employees’ unions.

As of March 31 the number of federal employees receiving the bonus was 55,071, a decrease from last year. However, the

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<sup>15</sup> Section 91 of the Official Languages Act states: Nothing in Part IV or V authorizes the application of official language requirements to a particular staffing action unless those requirements are objectively required to perform the functions for which the staffing action is undertaken.

<sup>16</sup> From 1988 to 1998 the percentage of bilingual positions requiring level A decreased from 7.6% to 2.2%.

<sup>17</sup> President of the Treasury Board, Annual Report on Official Languages, Ottawa, 1998, p. 56. At the end of fiscal 1996-97 the total cost of language training was \$51 million. The decrease in demand resulted from reduced hiring, the existence of a large pool of bilingual employees and budget cuts.

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<sup>18</sup> In general, eligibility for the bonus is determined by an evaluation of knowledge of the second official language.

Table III.17

Cost of federal services in both official languages:  
Expenditures by function, 1997-98 and 1998-99

Function	1997-98 Actual expenditures (\$000s)	1998-99 Anticipated expenditures (\$000s)
<b>Translation</b>		
• Translation Bureau	38,900	45,700
• Other institutions	103,200	107,100
<b>TOTAL</b>	<b>142,100</b>	<b>152,800</b>
<b>Language Training</b>		
• Public Service Commission	16,600	15,800
• Other institutions	29,500	33,300
<b>TOTAL</b>	<b>46,100</b>	<b>49,100</b>
<b>Bilingualism bonus</b>	56,600	49,500
<b>Co-ordination and general direction</b>	3,200	3,700
<b>TOTAL</b>	<b>248,000</b>	<b>255,200</b>

Source: Treasury Board.

Table III.18

Cost of federal services in both official languages: Budget

	1997-1998 Actual expenditures (\$000s)	1998-1999 Anticipated expenditures (\$000s)
<b>Treasury Board</b>		
• Official languages	3,200	3,700
<b>Public Service Commission</b>		
• Language training and related activities	16,600	15,800
<b>Public Works and Government Services</b>		
• Translation Bureau	38,900	45,700
<b>Other departments and agencies</b>	152,900	151,400
<b>Parliamentary institutions</b>	600	600
<b>Canadian Forces</b>	20,100	21,700
<b>Crown Corporations</b>	15,700	16,300
<b>TOTAL</b>	<b>248,000</b>	<b>255,200</b>

Source: Treasury Board.

To obtain the actual expenditures in previous years readers should contact Treasury Board.

amount paid to employees increased by 9.8% in 1998, bringing the total to \$56.6 million, because of retroactive payments made to members of the RCMP in the past several years.

The bilingualism bonus is not a right under the Official Languages Act. The Commissioner has long been opposed to the very concept of such a bonus and has repeatedly proposed that it be gradually eliminated.

#### Costs

At the end of fiscal 1997-98, the actual cost of implementing the official languages program in all federal institutions was less than in the previous fiscal year, despite increases in the bilingualism bonus and in translation. Tables III.17 and III.18 show that compared to last year costs decreased for most budget items. Total expenditures fell from \$260.4 million in 1997 to \$248 million in 1998. We note, however, that this year TBS changed its data collection system so as to count only actual dollar costs, leaving aside costs calculated on the basis of general estimates.<sup>19</sup>

<sup>19</sup> In the past the TBS asked institutions subject to the Official Languages Act to estimate the costs represented by employees who devoted 50% or more of their time to tasks related to the official languages program.



## b) CANADIAN HERITAGE

In 1998 Canadian Heritage consolidated its gains of recent years; the Department prepared for a new phase in the planning and delivery of its programs for the official language minority communities and developed tools, particularly for research, that will enable it to better understand the needs of its clients and the new socio-economic conditions in which they live. In doing so the Department attempted to overcome the constraints resulting from successive budget cuts, which continued again this year.

Last year we indicated that the Department had placed a new emphasis on promoting Canadian expertise in second-language teaching. It did so this year as well. It participated once again in *Expolangues 1998*, the 16th international language, culture and tourism fair. In addition, during the visit by Team Canada headed by the Prime Minister to Latin America in January, the Department organized an effective campaign aimed at Spanish and Portuguese speakers on opportunities for learning English and French as second languages in Canada. Canadian Heritage also strengthened its co-operation with the Council of Europe and the European Centre for Modern Languages in the areas of language planning and second-language teaching.

The Department also pursued its review, begun two years ago, of the assistance provided to the French-speaking minority communities with the aim of enabling them to realize their full economic potential. It took part in organizing the second Forum of French-Speaking Businesspeople in Winnipeg, attended by some 400 delegates. Such gatherings help develop business relationships and networks, of which the long-term impact on community vitality cannot be overestimated.

The Commissioner has strongly encouraged Canadian Heritage to emphasize the economic dimension of linguistic vitality. In this regard, we are pleased to note the publication of *Economic Approaches to Language and Bilingualism* in the New Canadian Perspectives series sponsored by the Department. In his introduction the distinguished Professor Albert Breton, who oversaw this publication, wrote: "I was often surprised to note [to what extent researchers] were uninformed about the works done in the past 30 years or so in the field of language economics. Although there exists an economics of health, of family and of culture, there is still no language economics." This work attempts to fill this gap, as the topics discussed by distinguished economists indicate: The economics of language in a virtually integrated global economy; Speak and ye shall receive: language knowledge as human capital; and The importance of bilingualism to employers. We congratulate the Department and encourage it to continue to promote progress in this new science and a better understanding of the economic importance of linguistic duality.

We note that the Department is preparing to play a key role in 1999 in the holding of the Francophone Summit in Moncton and in the activities that will mark the Year of Canadian Francophonie.

### Education

Last year we noted the problems encountered by Canadian Heritage and the Council of Ministers of Education, Canada, when negotiating the memorandum of understanding on minority-language education and second-language instruction. This memorandum covers a five-year period and is used to determine the budget provided by the federal government for minority language education and second-language instruction.

We also pointed out that the 1993-98 budget had been set at less than a billion dollars, a cutback of some 20% compared to the 1988-93 period. We deplored this major reduction and noted that it would have an impact on the quality of education of young Canadians.

Yet last March the federal budget provided only \$684 million for this program for the five-year period from 1998-99 to 2002-03. This constitutes a considerable reduction (some \$300 million) compared to the previous five-year period. We emphasize once again that this reduction is on top of the 20% cut imposed during negotiations for the first memorandum of understanding.

The provinces vigorously opposed this drastic cut and the CMEC believes that there is no point in negotiating a new agreement unless the budget is increased. The Department maintains that it is aware of the issue and will attempt to obtain additional funds. Meanwhile, negotiations are at an impasse and Canadian Heritage finds itself forced to negotiate interim agreements with each of the provinces so that funds can be allocated to the program for 1998-99.

We deplore these budget cuts to the Official Languages in Education Program. The Commissioner has written repeatedly to the Minister of Canadian Heritage, and others, to point out that minority language education and second-language instruction are vital investments for the future of our children and the country.

On a more positive note we acknowledge the five-year special agreement between Canadian Heritage and Ontario to assist that province in completing the implementation of school governance. The Department will contribute \$90 million over five years, as will Ontario.

### Community vitality

At year's end the Department was engaged in negotiations with New Brunswick, Ontario, Saskatchewan and Yukon for the renewal of agreements on French-language services. These traditional agreements enable the provinces/territories and certain municipalities to provide their communities with service in the minority language.

The Department was also busy preparing for negotiations with the official language minority communities and their national associations for the renewal of the Canada-Community agreements. These relatively recent agreements determine the

sums that the Department will provide to the minority communities for their vitality and development. The communities then determine their priorities and distribute the funds.

The first series of agreements expires in March 1999, hence the need to negotiate their renewal. This is a vital exercise that will demand time and energy from the communities and the Department. We support the principle of these agreements and hope that the negotiations will be successful.

Health and social services also continued to be a focus of community interest this year. The Montfort Hospital crisis in Ottawa, which at year's end was still far from being resolved to the satisfaction of the Franco-Ontarian community, clearly highlighted the need for the communities to have adequate health services in their language. Health services are gradually replacing school governance in urgency and priority in the communities. In Quebec the English-speaking community is still suffering from the consequences of budget cuts in this sector.

At their annual meeting in Whitehorse in July the ministers responsible for Francophone affairs explored avenues for co-operation in the training of health care professionals and the provision of health services in French; they were responding to a need on which the Commissioner has placed great emphasis in past years. As a physician the Commissioner understands the absolute necessity for patients to be able to communicate with health care professionals in their own language. The Commissioner views this as a *sine qua non* for the provision of effective care.

### **Communications and promotion**

As we have said repeatedly for several years we fear that the serious cuts to the Department's budget may compromise the very core of its mission. Fortunately, this does not seem to be the case with certain programs long associated with the Department's image such as the Summer Language Bursary Program and the Official Languages Monitor Program, which have just been renewed for a five-year period. These two programs have done a great deal to enable young Canadians to speak their second official language and become acquainted with its underlying culture. Unfortunately, the budgets for these programs have been reduced from \$17 million in 1997 to approximately \$15 million a year over the next five years.

The communications programs and activities conducted by the Department included the traditional contest Write It Up/À vos crayons, which gives thousands of young people the opportunity to express their views on linguistic duality.

In just a few years the Semaine nationale de la francophonie has become one of the highlights of the year for the promotion of Canada's Francophone heritage. It was marked with great ceremony in Parliament in the presence of the Prime Minister, hundreds of Canadian dignitaries and foreign diplomats. The

Commissioner spoke at the celebration and awarded prizes to two young writers.

### **Research**

Canadian Heritage distinguished itself this year in research.

The year started with a Statistics Canada symposium organized with the support of the Department and of the Commissioner. While highly successful, this symposium, which dealt with statistical data on the official language minority communities, revealed significant gaps in data on various facets of the reality experienced by minority communities on the social, economic and cultural levels.

An interdepartmental committee to co-ordinate official languages research was created. It was made up of representatives of Canadian Heritage, the Commissioner, Justice Canada, Statistics Canada, Treasury Board and the Privy Council. The participants decided that it would be chaired by Canadian Heritage. The committee began by identifying the most urgent research requirements for the official language minority communities and chose as priorities human resources development, health services and literacy.

In addition to co-ordinating the work of this committee the Department concentrated on research and especially on the dissemination of results. Several very important titles were added to the two-year old New Canadian Perspectives series again this year.

In addition to the work on the economic aspect of linguistic duality to which we have already referred, the publication of another important tool is cause for satisfaction — the complete *Annotated Language Laws of Canada*. A work of prodigious scholarship carried out by a team of Justice Canada lawyers, this volume includes the texts of all of Canada's language laws, federal, provincial and territorial, together with explanations and comments and generous excerpts from pertinent court decisions.

We also take note of two publications that cannot fail to stimulate reflection and discussion. The first is *Official Languages in Canada: Changing the Language Landscape*. This is a summary of the achievements of the past 30 years in linguistic duality compiled by Stacy Churchill, a professor at the Ontario Institute for Studies in Education, which is affiliated with the University of Toronto. Mr. Churchill is no detached analyst; as a researcher and teacher he has been involved in the various battles for duality in Canada for many years. It is no surprise that his summary, while factual and scientific, bears the stamp of someone who believes in the necessity and the future of duality.

The second study is *Francophone Minorities: Assimilation and Community Vitality*. This analysis by Michael O'Keefe examines the old problem of the assimilation of French-speaking minority communities in the light of new perspectives. Mr. O'Keefe, who has long been active in research on the official language communities, concludes that assimilation cannot be reduced to a simple mathematical exercise and that to understand this phenomenon all aspects of community vitality must be taken into consideration. The Commissioner has long been of the same opinion.

A final title that includes the most recent statistics on languages in Canada completes the publication and dissemination activities sponsored by Canadian Heritage this year. The scope and diversity of this survey are very impressive and the Department deserves to be congratulated on it.

**Table III.19**  
External programs: Expenditures for 1997-98 and 1998-99

EXTERNAL PROGRAMS: Provinces, territories and institutions	1997-98 Actual expenditures (\$000s)	1998-99 Anticipated expenditures (\$000s)
<b>Canadian Heritage</b>		
• Transfer payments to provinces and territories for language programs	192,700	165,800
• Transfer payments to official language minority groups	42,600	37,900
• Transfer payments for bilingualism development programs		
<b>Commissioner of Official Languages</b>	10,400	10,500
<b>TOTAL</b>	<b>245,700</b>	<b>214,200</b>

Source: Treasury Board.

To obtain the actual expenditures in previous years readers should contact Treasury Board.





## OFFICIAL LANGUAGE MINORITY COMMUNITIES

### 1. THE FUTURE IS NOW

Nothing comes easily to the official language minority communities. Things that majority communities take for granted — their school system governance, access to health care and social services in their language, the ability of federal institutions to communicate with them, inform and serve them in their language, travel information and services in their language, adequate resources for the functioning of their community institutions — require an endless struggle in order to obtain them and constant vigilance against their reduction or removal.

In many instances a minority community will find itself forced to go to court, a costly and time-consuming procedure. Almost always, it wins — which raises the question as to why the federal institution or the provincial or territorial government did not simply recognize in the first place what the law and regulations provide and act accordingly?

The Commissioner seeks, and has always obtained, intervenor status in cases of major jurisprudential importance. As expert witness he puts forward an objective, jurisprudentially based analysis of the law and/or regulations — and the validity of that analysis is almost always recognized by the court. Such cases have brought about significant progress for official language minority communities. It is hoped that once established the jurisprudence will henceforth be recognized and accepted and that the communities will not have to keep on resorting to the courts in order to obtain respect for and implementation of their legal rights.

Despite the progress that has been made certain problems persist. The official language minority communities have obtained school governance in every province and territory — but funding has not always been equitable, some structural problems still need to be resolved and resolution mechanisms for disputes with previously existing school boards are often lacking.

The French-speaking minority communities can now count on the training of 30 physicians and 60 health care professionals in other disciplines at the University of Ottawa over the next five years — but English-speaking minority communities all over Quebec are still waiting, after many months, for approval by the provincial government of access plans to English-language health care and social services. The Commissioner has taken up the latter issue on several occasions, including in an address in September to the 700 people attending a symposium in Ottawa. He was

instrumental in persuading the federal government to invest in the training of French-speaking health care professionals to overcome the shortages faced by minority communities across Canada.

Canada-Community funding agreements are coming up for renewal. The funding of existing ones is down-scaled by comparison with previous levels. The Commissioner has urged the federal government to recognize the difficulties created by the down-scaling and revise the levels upward in the renewed agreements.

### SCHOOL GOVERNANCE

In 1998 the Commissioner decided to take stock of the situation with regard to school governance. In August he published a report of some 170 pages, in both official languages, entitled *School Governance: The Implementation of Section 23 of the Charter*. The report was intended not only as a historical review or archival document but also as a depiction of the current situation in each province and territory and a description of problems to be resolved and cases before the courts.

In Newfoundland the implementation of school governance appears to be going well.

In Prince Edward Island, where school governance has existed for several years, there is still an unresolved case. The Francophone parents of Summerside are trying to get a school in their own town so that their children will not have to make the daily round trip to Abrams Village, some 30 kilometres away. They won their case in the trial division but the Court of Appeal reversed the decision; they are now taking their case to the Supreme Court of Canada.

In Nova Scotia there are two opposing trends within the Acadian community. The provincial government granted school governance after a careful study of the Charter and consultations with the Commissioner and a schedule was drawn up for transforming so-called bilingual Acadian schools into homogeneous French-language schools. The situation is rather sensitive because this transformation did not receive unanimous support. The Commissioner feels bound by the interpretation of Section 23 of the Charter, which provides for the establishment of linguistically homogeneous schools.

In New Brunswick, an officially bilingual province in which school governance has existed for many years, a significant divergence of point of view persists between the Acadian parents and the government. The government thoroughly restructured the administration of the school system and the parents find themselves with powers that, in their eyes (and in those of the Commissioner), are less than those defined by the Supreme Court of Canada in its interpretations of Section 23 of the Charter. The parents have held discussions with the government and the



Commissioner has met with the Ministers of Education and Justice but the impasse remains and the matter is now before the courts.

In Quebec, pursuant to a constitutional amendment on which the provincial and federal governments had agreed, linguistic school boards replaced the confessional structures that had existed since Confederation. The number of Anglophone boards dropped from 17 to nine, which forces a number of them to administer extremely large territories. The Anglophone community is concerned about the continuing drop in enrolments and wants to discuss the matter with the government. Equitable access to language training that would give young Anglophones equal opportunities on the labour market is another concern for the community and for the Commissioner.

Ontario was the last province to institute school governance for its Francophone community. As in Quebec the number of school boards is relatively small and the administered territories are vast. A federal-provincial agreement contributed to the funding of the implementation. A new general funding system has created the more equitable situation that had been sought for many years.

In Manitoba funding problems restrict the functioning of the Division scolaire franco-manitobaine but it is preparing a comprehensive study in an effort to obtain sufficient resources.

In Saskatchewan the merger of nine Francophone school boards into a single board, something the community ardently desired, is now a reality.

A similar development took place in Alberta although the Calgary region is for the moment excluded from the merger of school boards because one group of parents wants to be part of the provincial Francophone school board and another wants to keep the status quo, i.e., one school under the Catholic board and another under the public board.

In British Columbia Francophone parents have found themselves before the courts more often than those in any other province or territory. Their efforts have borne fruit: school governance, which the province had refused for years to grant, was established following a court order; the authority of the Francophone school board was extended to the entire province (the government did not wait for a court ruling) and Mr. Justice Vickers ordered the province to create a mechanism to settle disputes among school boards.

In Whitehorse, Yukon, Francophone students now attend the new Ecole Emilie-Tremblay, a healthy, well-equipped facility; school governance is going well.

In the Northwest Territories a case launched in 1990 was suspended following negotiations with the government that led to the adoption in 1995 of a new Education Act. Other cases are likely, however, since full powers of governance are linked to a divisional school board that has never been created.

## OTHER DEVELOPMENTS IN EDUCATION

The Commission nationale des parents francophones, noting the progress made in school governance, turned its attention to the content and results of the education. This led to the creation of the Consortium francophone de l'éducation, which brings together eight associations interested in various facets of education that want to work together on a *Projet éducatif pancanadien* (PEP). The PEP partners will try to develop a common vision of education and to find national solutions to produce concrete results. Their vision will extend beyond the boundaries of education to encompass culture, a reinforcing of identity and new development tools.

The Regroupement des universités de la Francophonie hors Québec (chaired by Dyane Adam, principal of York University's Glendon College and future Commissioner of Official Languages) has created a distance learning network that will allow students at any member institution to register in a course offered by another member university.

The University of Ottawa celebrated its 150th anniversary.

The Collège universitaire de Saint-Boniface obtained greater federal and provincial funding and is planning to double enrolment in the next five years.

The Faculté Saint-Jean at the University of Alberta won a major Quebec prize, the "July 3rd, 1608 Award".

In Quebec the university sector, which must function with the lowest tuition fees in North America, is facing repeated budget cuts. McGill University, which for years took top honours in *Maclean's* magazine's annual review, fell to third. The concern over this is not limited to the Anglophone community and its institutions.

Ontario has had three college-level institutions for some time now. The almost explosive growth that Ottawa's Cité collégiale has experienced in recent years continues. Collège Boréal, with its main campus in Sudbury, Ontario, is dealing with budget cuts but, nevertheless, succeeding quite well. However, Collège des Grands Lacs in the southwest of the province is experiencing special problems. It was designed as a distance learning institution but it has become obvious that the lack of a permanent campus deprives the students of enriching human contacts and a social life. The Collège is seeking major additional investment.

## LIFE AND VITALITY OF THE COMMUNITIES

The transfer of federal responsibilities remains a concern for the communities, which welcomed the Commissioner's report on this subject. The study was part of his 1997 Annual Report. The government promptly created the working group recommended by the Commissioner, which tabled its report in January 19, 1999. (See Part II.1 for details.)



The Commissioner is pleased to note the organization of a network of community radio stations. He receives, however, a number of complaints about the non-availability of certain television channels in various minority official language communities. (See Chapter 2 for details.)

Certain annual events continue to produce impressive successes. Book fairs always attract large crowds; the Toronto book fair highlights Franco-Ontarian authors and publishers, as does the one in Hull, even though Hull is in Quebec. As for festivals, the Festival du Voyageur in Winnipeg, La Nuit sur l'étang in Sudbury and the Festival franco-ontarien in Ottawa are just a few examples.

The Télévision française de l'Ontario channel (TFO), which was very concerned about its future, now seems to be on a sound footing and is in the process of expanding its broadcasting beyond its home province.

In western Canada there is an Internet site for the Francophone communities called Courtepointe de l'Ouest.

The National Arts Centre in Ottawa is planning to highlight French-language theatre in 1999 by staging *Une quinzaine de la dramaturgie francophone*.

In the world of theatre the Anglo-Quebec community has a number of major companies that are part of the Quebec Drama Federation. The Centaur is the largest professional theatre and Geordie Productions — which staged Anne Chislett's play *Then and Now*, commissioned by the Commissioner — continues its valuable work in Anglophone schools and community centres in Quebec and neighbouring provinces.

Ottawa has a new French-language theatre centre, La Nouvelle Scène, which brings together four companies that had been looking for permanent facilities. The consortium bought the National Arts Centre's old Atelier; renovations are going well and the opening is slated for April 1999.

Two major agreements were concluded in June. The Fédération culturelle canadienne-française, to which the Commissioner has provided sustained support, signed an agreement with the Canada Council for the Arts, the Department of Canadian Heritage and the Department of Foreign Affairs and International Trade. The accord provides significant support to publishers in minority communities. (A similar agreement for theatres was signed in 1997.)

The second FCCF agreement, this time with the National Arts Centre, the Canada Council and Canadian Heritage, covers some 30 specific projects in the fields of distribution of cultural products, dissemination, promotion and visibility, consolidation of infrastructures and creation and production.

The second Forum of Francophone Businesspeople was held in Winnipeg. It attracted over 400 delegates and co-operation agreements between some 100 agencies and businesses were signed during the event.

## 2. THE PROVINCES AND TERRITORIES

### NEWFOUNDLAND

After fighting for years to gain full recognition of their educational rights under Section 23 of the Charter of Rights and Freedoms the Francophone community of Newfoundland was finally in control of its school governance this year. On January 25 the first regular meeting of the Conseil scolaire francophone provincial was held at the Conseil scolaire's St. John's office. Another important date for the Francophone community this year was July 1, when the CSFP assumed control of the administration of the schools and staff under its jurisdiction.

The new school board was created through legislation to amend the Schools Act in May 1997 and has the same powers as all other school boards under Sections 75 and 76 of the Act. The legislation also provided for the creation of a conseil d'école at each school with responsibility for the school's linguistic and cultural missions and for its program; at present this level is consultative only. The duties of each conseil d'école under the Act include the approval of a plan for encouraging and promoting the French language and culture and a French ambiance within the school (for recommendation to the conseil scolaire) and the support and promotion of any such plan approved by the provincial conseil scolaire. The conseil scolaire is obliged under the Act to consult with the voting members of a conseil d'école on the operation of a school for which the conseil d'école is responsible, including the assignment of teachers and other staff.

In December 1997 eligible voters (a parent of a student enrolled in, registered to attend or eligible under the Act to be registered to attend a French first-language school) elected members of each conseil d'école, of which there are four. The voting members of the conseils d'école then elected the 10 trustees of the conseil scolaire; four members were chosen by the conseil d'école de Port-au-Port and two members each by the conseils d'école de l'ouest du Labrador, de l'est du Labrador and de Saint-Jean. Seven of the new trustees had served on the provisional conseil.

At the first annual general meeting of the CSFP held in September at the Sainte-Anne school and community centre in Mainland Richard Charron, president of the Conseil, summarized the accomplishments of the CSFP and of the provisional council. Managers and support staff have been hired, the election of members of the Conseil scolaire and the conseils d'école has been completed, the organizational structure has begun to take shape, a headquarters has been established, the educational resources centre has been created at the Sainte-Anne school and community centre (eventually satellite sites will be created in each French school, with a distribution, exchange and access to resources system integrated into the conseil scolaire's computer network), the distance education project is in operation and the transfer of

responsibilities from the former school boards to the CSFP has taken place.

In addition, the Conseil undertook a strategic planning exercise aimed at defining the values and mission of the school board and preparing a master plan to cover three to five years. In April a round of consultations was held in each of the four regions served by a conseil d'école, and an action plan was prepared in the summer following a meeting of the conseils d'école on June 13 and 14 in Corner Brook.

The Conseil scolaire francophone is also actively involved as a partner in certain projects under development such as the school and community centres in St. John's and Labrador City and the Atlantic provinces Acadian and Francophone télécommunauté project.

Now that a system of school governance is in place the Fédération des parents francophones de Terre-Neuve et du Labrador (FPFTNL), which was the chief player in the issue of school governance, debated its future at the end of January. During a strategic planning session the members of the board of directors gave a new direction to the Fédération and set priority objectives for the next three years. They defined a mission for the Fédération, that "the children of French-speaking parents in Newfoundland and Labrador receive an education in French as a first language that is recognized for its excellence and its contribution to the development of a sense of pride and of membership in the French-speaking community." (*Our translation*)

The FPFTNL identified three priority areas to work on this year: the recruitment of eligible pupils, preschool and the Projet éducatif pancanadien. At the moment there are about 300 students attending French schools, with a potential clientele of 900. The FPFTNL hopes that a publicity campaign and the creation of homogenous French schools and the school and community centres in St. John's and Labrador City will increase enrolment over time. Currently, three preschool programs are operating on the west coast as well as one in Labrador City and another in St. John's. The Projet éducatif pancanadien was presented and discussed at the general meeting of the FPFTNL in November.

The Conseil scolaire will support the FPFTNL in accomplishing these projects. "The community's support is essential in our activities....we need this type of intervention by parents" (*our translation*), said Maurice Saulnier, Director General of the CSFP, who participated as an observer at the planning session. The Conseil is now working with the FPFTNL on the project to recruit eligible pupils.

In May Newfoundland's Francophones participated in an important forum on the future of the French-speaking community. With the theme Ensemble pour l'avenir (Together for the Future), over 100 delegates, nearly a quarter of them young people, celebrated the community's successes over the last 25 years (for example, la Route des ancêtres, Radio Labrador, the

CBC television signal from Moncton, the Sainte-Anne school and community centre, the book *Contre vents et marées*, the movie *Ça vient du t'choeur*, adult literacy courses, the Les Oisillons pre-kindergarten and indeed the Conseil scolaire francophone provincial itself) and searched for a new direction for the future.

Enunciating a common vision is not an easy task for the Francophone community of Newfoundland since needs are quite different in the different regions. There are the residents of a military base (Goose Bay), who are quite mobile, those of a mining town (Labrador City), founded in 1962, whose population is originally from Quebec or New Brunswick, those in St. John's, where Francophones began to settle 30 years ago and those from a peninsula colonized by Acadians and French people around 1850. Nevertheless, forum participants identified priority sectors such as economic development, education in French and the next round of negotiations with the federal government for the funding of many of the province's Francophone organizations.

In May the Commissioner met with the Fédération des francophones de Terre-Neuve et du Labrador to discuss their interests.

Newfoundland is organizing a year of activities to celebrate the 50th anniversary of the province's entry into Confederation. A Francophone celebration will be among the activities of Soirée 99, which will build on a variety of events already scheduled, from Corner Brook's being awarded the 1999 Canada Winter Games to St. John's hosting the 1999 East Coast Music Awards.

### Federal services

The number of admissible complaints increased in 1998 to 19 from eight the previous year. Most of the complaints were about communications in writing, by telephone or in person.

Human Resources Development Canada was the subject of five complaints, three of them dealing with the Human Resources Centre in St. John's. The Department acknowledged that the number of bilingual employees there was not sufficient and hired four bilingual persons to meet the demand for service in French. The Human Resources Centre in Labrador City was the subject of two complaints following the departure of the bilingual employment counsellor. Two-language service is now provided by a contract employee under a one-year agreement between the Department and the region's community radio station.

The three complaints about Parks Canada concerned the absence of service in French in Terra Nova and Gros-Morne National Parks. The institution plans to rectify the deficiencies in Gros-Morne by providing appropriate language training for its staff and in Terra Nova by increasing the number of bilingual employees.

Before boarding the ferry between Port aux Basques, Newfoundland, and North Sydney, Nova Scotia, drivers must stop at

the Canadian Food Inspection Agency control post and this Agency was the subject of two complaints. It immediately reminded employees of the need to greet members of the public in both official languages and to serve them in the language of their choice. Bilingual students were hired during the tourist season. In the long term the Agency is considering the possibility of designating two positions bilingual and providing their holders with language training, if required.

Revenue Canada sent a client whose preferred language was French an account statement with information in English. The complaint was resolved quickly and satisfactorily. In another case certain French-language forms were not available. Although Revenue Canada had already ordered some we reminded them to be more mindful of their stock management.

In September 1998 the federal Public Service in Newfoundland had 4,466 employees, 81 of whom (1.8%) filled positions requiring a knowledge of both official languages.

### PRINCE EDWARD ISLAND

"A school in Summerside is the most effective measure to encourage the preservation and flourishing of the French-language minority community in the area." This was one of the arguments made by the Fédération des parents de l'Île-du-Prince-Édouard (FPIPE) to the Supreme Court of Canada when it requested the right to appeal a provincial Court of Appeal decision on the conflict between the parents' association and the government of Prince Edward Island.

Francophone children in Summerside have no French-language school in their area. They must either go to the English school or travel to École Évangéline in Abrams Village about 30 km to the west. For a long time parents have been asking for a French-language school in Summerside and they consider that the number of children justifies a primary school. In an expert report presented to the court Professor Angéline Martel of the University of Quebec's Télé-université stated that 376 children would be eligible to enrol in a future French-language school in Summerside, although only about 20 children now make the trip of nearly an hour to École Évangéline. The government rejected the parents' claim, stating that the numbers now enrolled in the French-language school did not warrant opening a separate institution and that the costs could not be absorbed under its current budget. Two parents and the FPIPE took the matter to court.

The court of first instance decided in the parents' favour. On January 8, 1997, Mr. Justice J. A. DesRoches of the Supreme Court of Prince Edward Island ruled that under Section 23 of the Canadian Charter of Rights and Freedoms there was a sufficient number of Francophone children in Summerside to justify a school of their own. He wrote: "The numbers warrant test applied to the particular facts of this case requires a remedy on the higher



end of the sliding scale proposed by the Supreme Court of Canada in *Mahé*. In my view, the plaintiffs have the right, pursuant to ss. 23(3)(b), to have their children receive elementary school instruction in French-language classes provided out of public funds in the Summerside area.”<sup>1</sup> At the same time the judge asked the Minister of Education to amend the act and regulations regarding schools and to offer instruction in French in Summerside.

The minister did not follow through on the court order. Instead of opening a French school in Summerside he continued to cite budget constraints, to make comparisons with the English school system (travel distance and duration) and to invoke other arguments before approaching the province’s Court of Appeal. This Court heard the appeal on April 24 and overturned Justice DesRoches’ decision. In his ruling, in which his two colleagues assented, Mr. Justice J. A. McQuaid stated that the Minister of Education was correct in his evaluation as to the number of children involved and the trip to school that many Anglophone children have to make as compared to the Francophone students. In his view the conditions for Francophone students were normal. The court also ruled that the minister had justifiably cited the benefits of instruction in a homogeneous Francophone school such as École Évangéline.

The Francophone community was very disappointed. The parents stated that the Court of Appeal had not considered the reparatory nature of Section 23, as described in the *Mahé* case, nor the special situation of the minority community. In *La Voix acadienne* of April 29 one co-plaintiff wrote, “We presented... many arguments should have appealed to the judges’...and the judges decided to disregard them.” (*Our translation*) The parents quickly concluded that they would have to appeal to the Supreme Court of Canada for a review of this decision. The Supreme Court agreed to hear the appeal and the Commissioner requested and was granted intervenor status.

It is noteworthy that the Francophone children of Summerside are not alone in not having ready access to a French school. The parents of Tignish in the western part of the Island requested a French school but the number of children (15) was deemed insufficient for the authorities to agree to their request. Francophones in Prince County have, however, taken the first steps in planning a school and community centre to serve the area.

In addition to difficult access to French-language schools the Island’s Francophone community has high rates of dropout and transfer to English schools. The FPIPE sponsored a special study on this issue in order to better understand the extent of the problem and to consider the measures to be taken. The study focused primarily on École François-Buote in Charlottetown and revealed a high rate of “cultural dropout”, i.e., students switching to

English schools between grades 7 and 8 and between grades 10 and 11. The reasons most often cited for such departures are the limited range of high school courses in the French language and the relative lack of school and extracurricular activities. The study made several recommendations to address these problems, notably the creation of a student appreciation committee, greater involvement of the Francophone community in its schools and co-operation with English schools in teaching English as a second language.

Prince Edward Island has a total of about 700 students at two French-language schools, École Évangéline in Abrams Village and École François-Buote in Charlottetown; both are administered by the French-language school board. The Island also has one French-language post-secondary institution, the Société éducative de l’Île-du-Prince-Édouard in Wellington, which is affiliated with the Collège de l’Acadie and Nova Scotia’s French-language college network. The Francophone community was proud of this year’s 26 graduates in fields ranging from business technology to early child care.

During a visit to Abrams Village on August 8 the Commissioner launched his study entitled *School Governance: The Implementation of Section 23 of the Charter*. In this study, presented at the meeting of the Association canadienne d’éducation en langue française, the Commissioner indicated the importance he gives to full recognition of this section of the Charter.

The government of Prince Edward Island has long been aware of its obligation to offer French-language services to Francophones, and this is the responsibility of the Francophone Affairs Secretariat which reports to the Minister for Technology and the Environment, Mitchell Murphy. He gave the Francophone community great hope by opening a French-language services centre in Summerside and by announcing that a bill on French-language services was being drafted. Consultations were held in this regard with the Société Saint-Thomas-d’Aquin, which represents Francophones on the Island; the bill was then officially tabled in the Legislative Assembly. In *La Voix acadienne* editorialist Jacinthe Laforest emphasized how pleased Francophones are to see these government initiatives.

Prince Edward Island is proud of its Semaine provinciale de la francophonie. Held from April 19 to 25 this seventh edition was sponsored by the SSTA, together with the Ministers of Education and Francophone Affairs. The Acadian flag was raised before the provincial legislature and hundreds of Francophones and bilingual Anglophones took part in activities at the Carrefour de l’Isle Saint-Jean Cultural Centre and at several other locations on the Island.

In addition to cultural activities the SSTA is active in many areas: it is negotiating a new Canada-Community agreement, is promoting tourism and is implementing mechanisms to encourage the participation of the Island’s Francophone community in the Francophone Summit in Moncton in 1999. The Francophone community can also be proud of its co-operative movement

<sup>1</sup> Reference by Prince Edward Island to Section 14794, ruling by Mr. Justice Joseph Armand DesRoches, at page 43.

including, among others, grocery stores, credit unions and a tourist village. The community intends to play an active role in the implementation of agreements between the federal and provincial governments on the provision of French-language services for labour market and employment insurance programs.

### Federal services

There were 54 admissible complaints against federal institutions in Prince Edward Island in 1998 compared to 93 in 1997. The follow-up report on the study of federal offices designated to respond to the public in both English and French, published in February 1998, no doubt helped to rectify deficiencies in the provision of service.

Air Canada and its regional carrier Air Nova were the federal institutions most frequently cited in complaints (27) brought to the Commissioner's attention. Most of these complaints involved failure to use the minority press. The Public Service Commission, Public Works and Government Services and the Business Development Bank of Canada followed with four complaints each.

Detailed analysis of the complaints shows that a number of federal institutions do not communicate with the public in both official languages. When they do so they do not always use media that would enable them to abide by the provisions of the Official Languages Act on communications. Twenty-six of the 54 complaints received dealt with violations in this area.

Some complaints especially attracted our attention, either because they brought to light situations requiring action in the form of a recommendation or because the complaint dealt with a serious problem regarding the provision of service in the minority language. Thus, Veterans Affairs had to change its practices with regard to use of the official languages exclusion order. These practices allowed unilingual Anglophones to fill bilingual positions by ignoring the rules for language requirements.

The Commissioner recommended that the Treasury Board Secretariat take greater account of the obligations imposed under Part VII of the Act when negotiating federal-provincial/territorial agreements on programs of national scope, such as those related to infrastructure.

Health Canada was the target of criticism. There were two complaints about the fact that its only office in Prince Edward Island still had no bilingual employee. We had discovered this when we conducted our follow-up on points of service. To rectify the situation the Department plans to staff a bilingual position.

Sixty-two of the 146 federal offices in Prince Edward Island have an obligation to provide service in both official languages. To help them meet these obligations there are 456 bilingual positions out of a total of 2,324 (19.6%). This may seem high considering the size of the French-speaking minority but it includes all the bilingual employees of Veterans Affairs, whose head office in Charlottetown provides Canada-wide service.

## NOVA SCOTIA

"This study clearly demonstrates that the fears of many Francophone parents in Nova Scotia about the dangers of educating their children too much in French are unfounded. On the contrary...the more thorough the education in French the higher the degree of bilingualism and the more complementary their linguistic skills become." (*Our translation*)

These were the conclusions drawn by Rodrigue Landry and Réal Allard of the University of Moncton in their report *Langue de la scolarisation et développement bilingue : le cas des Acadiens et francophones de la Nouvelle-Écosse*. This report, published by the Centre for Research and Development in Education of the Faculty of Education, is based on a series of tests administered to 465 Nova Scotian students at five high schools in various parts of the province. It was released in March and helped ease widespread concerns that young Francophones might become unilingual as a result of attending homogeneous French-language schools.

Traditionally so-called Acadian schools were bilingual and part of the instruction was in English. The Fédération des parents acadiens de la Nouvelle-Écosse (FPANE) exerted pressure to have the Acadian schools converted to homogeneous French schools, to teach all Francophone students and to provide a French-language curriculum, except for English as a second language. Certain parents oppose this, however, and demand that the Acadian school be retained. Several Francophone communities continued this debate throughout the year.

Since it was created in May 1996 le Conseil scolaire acadien provincial (CSAP) has been responsible for managing the province's French-language schools. Initially it planned to convert its 18 Acadian schools into homogeneous French-language ones over a period of a few years. The creation of a homogeneous French-language school was especially successful in Dartmouth-Halifax where Carrefour du Grand Havre school has operated exclusively in the French language since its opening in 1991. Due to high enrolment this school had to add several portable classrooms. The school requested that new buildings be built. The government agreed to build two new elementary schools, one on the grounds of the Carrefour and the other in the Bedford-Sackville area. Once these schools have been built the Carrefour is expected to become a secondary school. Elsewhere in the province the process of conversion from Acadian schools to homogeneous ones is more controversial; it is especially problematic for the Clare and Argyle Acadian high schools in the southwest of the province.

While some parents in Clare strongly advocate conversion others are equally resistant to it. A committee to promote quality French-language education in Clare was formed in the spring and 600 parents signed a petition for the immediate creation of a homogeneous French-language school. The committee even found a suitable site on the campus of Université Sainte-Anne



in Church Point. CSAP then formed a sub-committee to study the matter; the latter endorsed the proposal to create a homogeneous school.

During a full meeting in May CSAP backed down when faced with opposition from a group of parents. It did not stand by the proposal to create a homogeneous French-language school immediately but offered a compromise by proposing a complex solution instead. CSAP decided to keep the existing school and divide it into three parts; the Clare school would include a homogeneous French-language program, a mixed French and English program and an English program. The English program would normally fall under the South West Regional School Board but was managed temporarily by CSAP in order to accommodate the school board. A committee consisting of representatives from the Department of Education, CSAP and the South West Regional School Board recommended that the government build two English schools, one in Clare and one in Argyle, and undertake major renovations in the two existing high schools, which would become homogeneous French-language schools.

The parents who wanted the homogeneous French-language school did not agree with the proposed hybrid school. Since another protest to CSAP was unsuccessful they decided to take up the matter in the courts. Their claim was two-fold: they first sought a ruling on the legality of mixed schools in the context of Section 23 of the Canadian Charter of Rights and Freedoms, and secondly an order to create homogeneous schools in Clare and in three other Acadian regions: Chéticamp, Isle Madame and Argyle. In view of his interest in the implementation of Section 23 the Commissioner requested and was granted intervenor status in the petition; as we went to press the case had not yet been heard. The judge ruled that witness depositions would be taken in English and that documentation should be presented in English. FPANE estimated translation costs for the documents at about \$50,000, which was far beyond their means. In the end several translators offered their services pro bono publico and completed this major task.

French-language post-secondary education in Nova Scotia is in a period of rapid change. For one thing, Collège de l'Acadie offers courses to students throughout the province in 11 different programs. This institution "without walls", as it is known, offers distance courses from seven centres. On the other hand, Université Sainte-Anne provides courses in literature, science, business and education to some 200 students; it is justifiably proud of its fine reputation in second-language teaching. The university founded an Acadian studies institute this year. At graduation on May 9 Sainte-Anne awarded 57 degrees and two honorary doctorates, one to Sheila Copps, the Minister of Canadian Heritage, and one to Acadian journalist Robert Pichette.

Nova Scotia has two French-language community radio stations: CIFA in Clare and CKJM in Cheticamp. The French-language weekly *Le Courrier de la Nouvelle-Écosse* has been published for 61 years. The province has a very dynamic French-

language co-operative movement, several Francophone creative arts enterprises, annual Acadian festivals, the Jeux de l'Acadie (in which young people compete in sports events) and an exceptional national historic site at Grand-Pré. The Fédération des Acadiens de la Nouvelle-Écosse represents the linguistic, socio-economic, touristic and cultural interests of Francophones in all parts of the province.

### Federal services

The number of admissible complaints against federal institutions in Nova Scotia increased from 129 in 1997 to 148 in 1998. Most dealt with the lack of service in French. Fifty-eight complaints related to the fact that advertisements in the English-language media were not published in the French-language press.

Complaints came particularly from the travelling public. The vast majority of those involving Air Canada and its regional carrier, Air Nova, dealt with boarding announcements in English only at Halifax International Airport. In addition, Transport Canada, which manages this airport, is not able to convince Canadian International to comply with its linguistic obligations. Since it provides service to the travelling public under contract this corporation is required to comply with certain provisions of the official languages regulations. Boarding announcements are sometimes unilingual and service in French is not always available at the counter. Despite assurances given by the management of Canadian International that the situation would be improved we received additional complaints towards the end of the year.

Revenue Canada was the subject of four complaints at the Halifax International Airport. These concerned the absence of service in French at customs service counters. Unilingual English customs officers do not direct French-speaking clients to their bilingual colleagues and the number of bilingual positions is inadequate to provide service in both official languages on every work shift. Revenue Canada undertook to take corrective measures in this regard. We will conduct a follow-up in the spring of 1999.

Marine Atlantic is still not able to provide service in French either at ferry terminals in North Sydney, Nova Scotia, and Port aux Basques, Newfoundland, or aboard the ferries making the crossing between these two points, except to some extent during the summer season. Complaints have revealed that even in the summer service in French is not guaranteed at all times at the North Sydney terminal. To rectify the situation in the fall and winter Marine Atlantic plans to staff five bilingual positions, one at the North Sydney terminal, one at the Port aux Basques terminal and three aboard the ferry between these two points. During the summer the Corporation undertook to assign two bilingual employees to the toll booths located outside the North Sydney terminal.

Parks Canada has agreed to improve the provision of service in French at Cape Breton Highlands National Park, particularly at Ingonish. It must also rectify some deficiencies in service in French at the fortress of Louisbourg.



Implementation of the Official Languages Act in the Department of Fisheries and Oceans poses problems, mainly at the Yarmouth office. Again this year the office provided French-speaking fishers in southwestern Nova Scotia with forms in English only. The Department then took six months to translate these documents.

The majority of complaints against Human Resources Development dealt with the absence of publicity in both official languages. As of December 31, most of these complaints were still under review.

Other federal institutions had greater success in providing service to the public. Thanks to the contributions and interventions of Telefilm Canada and the National Film Board the programming of the Atlantic Film Festival in Halifax included 12 films in French in 1998 compared to only one film subtitled in French in 1997.

The federal government employs 9,710 persons in Nova Scotia. Of these, 1,007 (10.4%) fill positions designated bilingual, 9,174 (94.5%) listed English as their official language and 536 (5.5%) indicated French.

## **NEW BRUNSWICK**

"We feel that the new [education] act denies official language communities the right to governance and control as recognized by the courts. The participation structure does not allow for these rights to be fully exercised. All in all, recognizing that the Minister [of Education] must fulfil his role, a better balance must be sought between his authority and Francophone parents' right to governance." (*Our translation*)

This is how Claude Nadeau, chairman of the *Comités de parents du Nouveau-Brunswick* (CPNB), expressed the objections of Francophone parents to the government's reform of the educational system in a letter of October 14, 1997, to the Minister of Education. In March 1996 the government had replaced all English-language and French-language school boards with a new three-level structure: consultative parents' committees in the schools, school district committees and two provincial boards, one Anglophone, one Francophone. The representatives of the school committees are directly elected but members of the district committees and the provincial boards are chosen by the committees at the level below. The parents' committees and the provincial boards have little executive power; the main powers reside with the minister.

After reviewing the new act some jurists at the University of Moncton declared that implementing the new structure would not comply adequately with Section 23 of the Canadian Charter of Rights and Freedoms.

The Commissioner became involved in this debate at the outset by making a presentation to a committee of the legislature and

he has brought up the subject repeatedly during discussions with the provincial Ministers of Education and Justice.

In his brief of January 21, 1997, to the standing committee on amending the laws of New Brunswick with reference to the White Paper "Proposal for the New Brunswick Education Act", the Commissioner noted, "Two questions seem to me to be central to the conformity of the forthcoming legislation to Section 23: the extent of the power of control and management that parents will have over instruction in their language, and representation in the new decision-making bodies....Educational facilities and the control, management and ownership of those facilities by the minority French-language community are the primary components of the constitutional rights of parents to manage French-language education."

The government agreed to make some changes to its reform. It modified the composition of the provincial boards so that they are made up solely of parents delegated by the district committees without any ministerial appointments and it gave the provincial boards the right to look at planned annual expenditures, but without any executive power. The government did, however, retain the key elements of its reform as planned. The new Minister of Education, Bernard Richard, noted that Anglophone and Francophone education are separate entities and that Francophones do have their say on French-language sector matters. He also stated that, in his view, the government is in compliance with provincial laws on official languages and the equality of the official language communities, both of which are entrenched in the Canadian Constitution.

The government also agreed to conduct a study on the structure of parental school governance. In February it created a task force with four members, including Rodrigue Landry, Dean of Education of the University of Moncton and a recognized specialist on the Acadian educational system. The committee's mandate was two-fold: to review the efficiency of the current structure, given the government's objective of renewing the education system, and to make recommendations on ways of increasing parental authority, especially with regard to parents' involvement in education, decision-making, accountability and cost-effectiveness of the system. The committee held hearings throughout the province in May and June and carried out various studies as well as an opinion poll on educational reform. The committee gathered statements from 70 parent committees and many organizations; 1,174 parents replied to the survey. The committee's report was released to the public by the Minister of Education on October 29. It points to two weaknesses in parental authority in the current educational system: inadequate training on parents' roles and responsibilities and lack of communication in various respects. The study committee made some 30 recommendations to the Minister.

The first recommendation was to create positions of director general, one for the Anglophone sector and one for the Francophone sector. These directors general would report to their

provincial board on the implementation of education plans. Other recommendations pertain to increasing the role of the provincial boards, eliminating the intermediary district committees (between the consultative school committees and the provincial boards), increasing awareness among parents of their roles and responsibilities and improving communications.

While the Minister of Education may have hoped that the committee's report would calm the critics the impact was quite different. The CPNB claimed that the report's recommendations did not go far enough. In the October 30 edition of *L'Acadie Nouvelle* Jean-Judes Basque, Executive Director of the CPNB, asserted, "The report does not deal seriously with the need to give Francophones more power over their educational system." (*Our translation*) At the end of the year we learned that the CPNB was preparing for court action.

In addition to its French-language schools New Brunswick has four French-language community colleges, in Bathurst, Campbellton, Dieppe and Edmundston. About 1,500 students attend these colleges, which offer a variety of courses in sciences, business and trades. This year Collège communautaire de Campbellton worked with a group of seniors from the north of the province to create the "Université du troisième âge de Restigouche". This interesting project will allow seniors' groups to pursue their interests through continuing education.

New Brunswick is proud of the University of Moncton, which was founded 35 years ago. This French-language institution has over 6,000 students in Moncton and at two satellite campuses in Shippagan and Edmundston. On the occasion of the University's 35th anniversary Jean-Louis Pedneault asserted in an editorial in the newspaper *Madawaska*, dated August 12, 1998, "The University of Moncton has done more than just teach university courses....It has also furthered our linguistic, social, economic and political rights." (*Our translation*) The University's law school celebrated its 20th anniversary this year.

Many of the sessions of the Francophone Summit in 1999, which will host 2,500 representatives from 54 French-speaking countries and governments, will be held at the University of Moncton. It is worth noting that following the sixth Summit, held in 1995 in Cotonou, Benin, the Centre international pour le développement de l'information en français was established on the Edmundston campus of the University of Moncton. Since then the Centre has offered Francophone Internet users a home page service on the international Francophone network.

In view of the close ties between Francophone schools and colleges and the University of Moncton Premier Camille Thériault suggested this year the possible reorganization of the primary and secondary schools and the post-secondary sector in order to bring the administration of all French-language institutions under a single roof. At present the responsibility for schools and that for colleges and universities is assigned to two separate ministries. English-language institutions would be reorganized in

the same way. The Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB) supports this idea for reform. In the June 12 issue of *L'Acadie Nouvelle* Ghislaine Foulem, President of the SAANB, wrote, "The career path of Francophone students...will also be much easier if we have one provincial framework." (*Our translation*) This reform was much debated this year and has not yet been carried out.

The health sector was also of great concern to the Acadian community in 1998. In 1997 a major study on the effectiveness of government official languages policy had pointed to weaknesses in the French-language health services offered by certain hospitals and the government announced its intention of improving these services. A new study by the Fédération des communautés francophones et acadienne du Canada entitled *Gardons notre santé: étude sur le dossier de la santé chez les francophones et Acadiens* concluded that the level of service in New Brunswick is acceptable in general and that "Francophones and Acadians...can count on nearly a full range of health services." (*Our translation*) There is, however, still room for improvement in services, especially in institutions in Fredericton, Miramichi, Moncton and Saint John. The provincial government has for some twenty years had an agreement with the University of Sherbrooke in Quebec for the training of Francophone health professionals from New Brunswick in order to make up for certain weaknesses.

The restructuring of health services, especially in Moncton, also caused problems for Acadians, who feared that they could lose certain guaranteed French-language services as a result of amalgamation of their institutions. The Chair of the SAANB sounded the alarm and a monitoring committee on French-language health services was created in Moncton in October.

On May 2 New Brunswick elected a new premier. Camille Thériault, an Acadian, stated that one of his priorities would be to reduce Acadians' assimilation rate to zero; this objective was viewed favourably by the Francophone community.

In addition to the SAANB the Francophone community of New Brunswick has several representative community organizations. One important one is the Association des municipalités du Nouveau-Brunswick, which represents some 30 Francophone and bilingual municipalities. One of its objectives is to ensure that municipal services are available in French to Francophone residents. Francophone New Brunswick has many co-operative movements and the number of Francophone business people in the province is estimated at more than 7,000. *L'Acadie Nouvelle* is a daily with a circulation of 18,000 and there are several French-language weeklies and specialty magazines. Radio-Canada's television and radio networks serve Francophone homes and the province also has private television and radio stations as well as several community radio stations.



### Federal services

In 1998 119 admissible complaints were filed against federal institutions in New Brunswick. Ninety-five dealt with the absence of service to the public in one of the official languages, 17 with language of work and seven with the linguistic identification of positions being staffed.

Most of the complaints about service to the public involved the Correctional Service of Canada, the Royal Canadian Mounted Police, Air Canada, Human Resources Development Canada and Public Works and Government Services Canada.

The Correctional Service of Canada was the target of 28 complaints dealing with incidents in New Brunswick penitentiaries. Eighteen of them involved infractions of Part iv (Communications with and services to the public) of the Act while the others concerned language of work rights of employees at Dorchester Penitentiary, where we conducted an in-depth investigation. Our subsequent 21 recommendations should make it possible to rectify the deficiencies brought to light by our investigation and by the 10 complaints received this year. These deficiencies had mainly to do with lack of supervision in French and the English unilingualism of work documents. We will be following the situation closely.

Most of the 17 complaints filed in 1998 against Air Canada concerned the absence of service in French at this carrier's counter at Moncton Airport. The Corporation, which is now more aware of the seriousness of the situation, has taken corrective measures. It has provided its employees with information on their obligations and has agreed to ensure that bilingual staff are available on every work shift.

The RCMP was the subject of 20 complaints in New Brunswick; 18 were filed under Part iv of the Act and six dealt with the celebrations associated with the RCMP's 125th anniversary, which, in Moncton, took place almost exclusively in English. Three complaints took issue with the absence of service in the complainant's preferred language from members of the RCMP patrolling the province's highways. The RCMP's institutional reorganization had the effect of distributing central and personal services among the four provinces in the region: human resources in Newfoundland, audit services in Prince Edward Island, corporate services in New Brunswick and administrative services in Nova Scotia. This new situation bothers RCMP members working in New Brunswick because the services to which these employees are entitled under Part v of the Official Languages Act are now provided, in large part, by offices located in regions that are not designated bilingual for language of work purposes. When the offices opened these concerns were expressed in two complaints challenging the objectivity of the linguistic identification of a number of positions.

Although the number of complaints received about Citizenship and Immigration Canada decreased the Department was the target of three complaints in 1998. They concerned the absence

of reception and service in French at the Fredericton office. Two other complaints received in 1997 were processed in 1998. The complainants claimed that the suppliers of linguistic services responsible for providing language courses to newcomers to Moncton offered these courses only in English. In one case the Department agreed to bear the cost of a course in French; in the other it reminded the suppliers of their obligation to provide courses in both official languages. An appendix will be added to the service contract specifying the Department's expectations regarding service to the public in both official languages.

There are 5,563 federal employees in New Brunswick. Of these, 2,341 (42.1%) fill positions requiring a knowledge of both official languages, 3,515 employees (63.2%) have English as their first official language and 2,048 (36.8%) French. These figures reflect the province's linguistic makeup.

### QUEBEC

Nineteen ninety-eight presented challenges to the English-speaking community in terms of education, health services and community affairs. The English-speaking people of Quebec crystallized their distinct views of and interests in these matters and they sought to explain them to their French-speaking fellow citizens.

### Education

*The Gazette's* editorialists welcomed the new system of language-based rather than denominational school boards: "The advent of linguistic school boards was hailed by many as a positive step for Quebec's English-speaking community. The end of the old denominational system of education, even if it meant giving up certain constitutional guarantees protecting minority rights, was seen as a great opportunity for the English community to manage and control its own schools."<sup>2</sup>

Quebec's education reform, begun last year with legislation adopted by both the National Assembly and the federal Parliament, provided for linguistically homogeneous school boards for both Anglophones and Francophones. Nine English-language school boards were established, covering all of Quebec, to administer the 367 schools that the 100,000 English-speaking children attend. Under the previous system most English-speaking children attended schools administered by the 17 Protestant school boards, which had English-speaking majorities, but there were numerous Anglophone children in schools run by Catholic boards, in many of which they constituted only a small minority. The new system offered a chance for English-speakers to consolidate their resources within a single school sector and to manage

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<sup>2</sup> *The Gazette*, Montreal, September 19, 1998, page B4.



all their children's schools. The restructured system came into being on July 1. The nine English-language boards are:

- 1) Central Quebec School Board, based in Sillery
- 2) Eastern Shores School Board, based in New Carlisle
- 3) Eastern Townships School Board, based in Magog
- 4) English-Montreal School Board, based in Montreal
- 5) Lester-B.-Pearson School Board, based in Beaconsfield
- 6) New Frontiers School Board, based in Châteauguay
- 7) Riverside School Board, based in Saint Lambert
- 8) Sir-Wilfrid-Laurier School Board, based in Laval
- 9) Western Quebec School Board, based in Aylmer.

According to many Anglophone commentators the transition to the new system was not altogether smooth. There were some disagreements over the division among the new school boards of properties (including some revenue-producing ones) from the old denominational boards; many English-speaking school commissioners considered that the Quebec government was favouring Francophones in the division. Another dispute centred around control of the School Council of the Island of Montreal, which distributes funds to school boards on the Island. Moreover, several English-language school board districts were so large as to be difficult to manage. For instance, the Eastern Shores School Board in the Gaspé Peninsula also administers schools on the North Shore of the Saint Lawrence River hundreds of miles away. Unlike most Francophone school boards the English-language boards do not administer territories that correspond neatly to municipal or regional administrative groupings; this renders co-ordination on matters of employment, transportation, property administration and taxes more difficult for the English-language school commissioners.

There were serious and widespread difficulties associated with the first elections to the new school boards. The legislation establishing them provided that electors who wished to vote in the English-language sector but who were not parents of children already in English schools were required to register, using special forms mailed to them; otherwise their names were placed on the lists of the French-language school boards. Those who did not specifically declare themselves Anglophone were considered to be Francophone. In advance voting many English-speaking voters were turned away from the polls because they had not been registered as Anglophone.

On June 9 the Commissioner wrote to Pauline Marois, then Education Minister, about the overall problem and about situations that he had himself observed during the advance polling.

I was personally a witness to the rejection of numerous persons trying to vote in the advance poll last Sunday; during the half-hour that I was present about half those in line were turned away. Many of them solemnly affirmed that they had completed and sent in the required form well before the pre-

scribed date of June 4. Others had noted that these important documents had, in many instances, not been personally addressed and were simply labelled "Occupant"; they felt convinced that significant numbers of people would have failed to recognize their nature and importance.

The National Assembly was required to rush through special legislation allowing for on-site registration in the polling stations on the principal voting day (June 14) in order to accommodate thousands of English-speaking voters who had been left off the rolls. In fact, the English-speaking community turned out in large numbers to vote for their new commissioners, showing their commitment and dedication to their schools. The turnout figures were over 50% for the English-speaking boards, much higher than the vote the same day in the Francophone sector (12%) or in the last elections for the denominational boards (19%). In some districts such as the Eastern Shores Board no fewer than 64% of the registered English-speaking voters cast ballots. Community leaders saw the election results as an expression of confidence in the English-language school boards.

In September there was an increase in enrolments in the English-speaking sector. In recent years falling school populations have been the greatest anxiety of the English-speaking community as numbers of registered children have dropped from 250,000 in 1972 to the 1997 level of just over 100,000. In contrast, the school opening figures in September showed a slight increase in enrolments, with the English school population at 108,000, 8% more than in 1997. These increased numbers were not sufficient, however, to prevent continued closings of English schools, including eight in Montreal. The school closures and the threat of long-term decline in enrolments in their system led many English-speaking Quebecers to repeat their demands that the government relax restrictions on access to English schools, an issue that the Commissioner has addressed on many occasions. As a general rule, Quebec's language legislation allows only children of parents educated in Canada in English-language schools or English-speaking temporary residents to send their children to the province's English-language schools. Towards year's end the President of Alliance Quebec, William Johnson, announced his intention of proceeding with a court challenge to Quebec's legislation imposing limits on access to English-language schools.

In addition to school board reorganization Quebec's education reforms have effected changes in the curriculum, including the teaching of first and second languages. One English-language school board, the Lester B. Pearson Board in the West Island, found several different models of French-language immersion in its schools. A review of the English sector in 1997 by the Advisory Board on English Education, headed by McGill Chancellor Greta Chambers, identified problems specific to the English-language sector. Among these were lack of communication with parents, difficulties with student evaluations and, especially, inaccurate English translations of some textbooks and examinations. The preservation of small schools was also a concern.

In January the Commissioner wrote to Mme. Marois regarding the series of reforms flowing from a Ministry of Education publication entitled *Quebec Schools on Course*. He encouraged her to continue the policy of improving access to schooling for all Quebecers and also to strengthen the teaching of French and English as second languages.

The English-language education sector at the post-secondary level includes seven colleges and three universities; nearly 75,000 students are enrolled. These institutions, like their Francophone counterparts, suffered from severe funding reductions this year. For the universities these cutbacks amounted to about 25% of their operating budgets. Special efforts were made in all the institutions, individually and working together, to reduce spending and streamline operations. For instance, McGill and Concordia universities announced an agreement to share certain computer and administrative services. Principal Bernard Shapiro of McGill University commented, "McGill will be forced to reduce spending per student to less than \$10,000. Compare this to, say, Chicago or MIT, where the resources available to teach each student range between \$50,000 and \$80,000 U.S. Why haven't Quebecers sounded the alarm?"<sup>3</sup>

Many English-speaking university students protested the government's two-tier fee system with greater charges, calculated to be about \$1,200 more than the standard fee, for students with out-of-province permanent residences. McGill students challenged the government fee regulations in court but in February Judge Claude Tellier turned down the students' case, which invoked the Canadian and Quebec Charters of Rights. In his decision the judge wrote:

The education fees charged to students from other provinces are not excessive....the new fees charged to non-residents are lower than the national average and lower than the fees charged to all students in the other provinces."<sup>4</sup> (*Our translation*)

### Health and social services in English

Major reforms have remodelled the delivery of health and social service programs and there have been budgetary cutbacks as well. The changes have affected all clients of health and social services but for English-speaking Quebecers language difficulties have also occurred. Bill 142, adopted by the National Assembly in 1986, guaranteed Anglophones that services in English would be available and accessible according to the resources of each region.

Since the adoption of Bill 142 Quebec has organized the provision of English-language health and social services by developing and implementing English-language access plans in

the 16 provincial regional health councils. In the light of reforms involving public health measures, ambulatory care and community health centres and (especially for the English-language health sector) hospital amalgamations and closings, new plans were required for English-language services. These were submitted to the government in 1996. However, the government did not approve the plans at that time, reviewing them and sending them to the Office de la langue française for analysis. For the government, and for unions in the health-care sector, the right of health care personnel to work in French came into conflict with the need for effective, mutually understandable communication by health-care professionals with patients and with their families. The access plans were debated throughout Quebec and one region, Saint-Maurice-Bois-Francis, even proposed the abolition of all formal requirements for the knowledge of English.

English-speaking communities expressed intense concern about their right to receive services in their own language, and a coalition of eight associations was formed before year's end to push for the adoption of the access plans. Leon Jackson of the Voice of English Quebec, whose community had suffered the closure of the Jeffery Hale's Hospital as a general community hospital two years ago, stressed that there are lapses in English-language services at the present time:

Voice of English Quebec and similar associations from across Quebec have been hitting a political wall in their attempts to have access plans to English-language health and social services accepted by the provincial government....Even though several institutions have indicated that they can offer certain services in English, their services are, in almost every instance, not available at all times. Moreover, most of the positions of the personnel who offer the bilingual services do not have requirements for bilingualism should replacements be required. The government has demonstrated little logic, understanding or concern on the issue.<sup>5</sup>

The views of the VEQ were similar to those expressed in 1997 in a report by a government advisory committee of eight English-speakers, chaired by lawyer Eric Maldoff, on health and social services in English. The committee stated that, while the government had launched major reforms to adapt to the changing needs of the population, "...there were insufficient administrative safeguards and measures to ensure continuity of English-language services." It was also noted that "it was not evident that protection of the status of designated institutions (as being responsible for English-language services) was assured in plans to amalgamate, integrate or regroup institutions."<sup>6</sup>

<sup>3</sup> *Thursday Report*, February 5, 1998, page 1.

<sup>4</sup> Decision of Mr. Justice Tellier of the Quebec Superior Court (Civil Division), District of Montreal, in *Ruel v. Québec* (Ministre de l'Éducation) Jel/1998—0081, No. 500-05-032573-972, February 11, 1998.

<sup>5</sup> The *Quebec Chronicle Telegraph*, February 18, 1998, page 12.

<sup>6</sup> Provincial Committee on the Dispensing of Health and Social Services in the English Language, Activity Report 1996-1997, page 5.



On March 30 the Commissioner wrote to the Minister of Health at the time, Dr. Jean Rochon. He insisted that the rights of patient-beneficiaries to service in their first language must take precedence over the language of work rights of the public servant or health professional.

The patient must be caused to feel a sense of confidence in the [health care] professional. He or she must feel able to describe clearly all symptoms and their evolution; and the professional must, in order to establish an accurate and reliable diagnosis, be able to obtain accurate and reliable information. The professional must then explain the nature of the illness, the treatment required, its possible side effects, the complications to watch out for, and the prognosis. He or she must ensure that the patient has clearly understood, and this must lead to the signing of an informed consent. Finally, the professional must give the patient, when the latter is ready to leave the hospital or office, instructions which are easy to understand and to follow. All of this must take place in the language — notably English or French — which the patient best understands.

In his reply Dr. Rochon said that English-language services were being handled well by his Ministry. He wrote that, "Any English-speaking person has the right to receive health and social services in English, taking into account the organization and the human, physical and financial resources of the facilities that provide such services."<sup>7</sup> (*Our translation*)

The federal government has sought to encourage Quebec to provide health and social services in English and has contributed funds to this end since 1989. Since then, under the terms of a federal-provincial agreement on English-language health and social services, the Department of Canadian Heritage has paid about \$500,000 annually to hire English-speaking service co-ordinators in the regional health councils and to assist with translation of material into English and production of documents in English. The agreement will end in 1999; the Commissioner has stressed its importance and has expressed the hope that a new agreement can be arrived at so as to continue this contribution to the delivery of English-language health services.

The language of signs in health and social services institutions has caused problems in a number of areas, particularly in the Eastern Townships. Last year there were complaints and an investigation by the Office de la langue française about signs in English in the new Centre Universitaire de Santé de l'Estrie in Sherbrooke, which included the former Sherbrooke Hospital. As a result CUSE eventually removed most English signs. According to Quebec's language regulations CUSE was not considered a bilingual institution because its clientele was less than

50% Anglophone. Similar problems arose in the Brome-Missisquoi-Perkins Hospital over signs in English, and the hospital removed them following instructions from the OLF. The English-speaking community, especially the hundreds of people who had endorsed petitions for two-language signage in CUSE, remained anxious that services in English were being compromised; many representations to this effect were made to the Quebec government.

This experience underlines, in parallel, the concern of the English-speaking community about moving from a majority to a minority position and losing rights to services in English if certain municipalities are amalgamated into larger entities.

There was interest in the English-speaking community in Montreal, and indeed all across the province, in plans for the development of the McGill University Hospital Centre, which was created in 1997 from an amalgamation of the Royal Victoria, Montreal Neurological, Montreal Children's and Montreal General Hospitals. Although the four hospital boards have been melded into one and an overall executive director appointed the different institutions are still operating on their own sites and, in some cases, in outdated facilities. At year's end the representatives of the MUHC were successful in negotiating with the Canadian Pacific Railway for the purchase of the former Glen Yards, a 35-acre site in Montreal and Westmount which could accommodate a single new superhospital. The plans are that the new institution would be open by 2004; it would be, with the Centre hospitalier de l'Université de Montréal, one of the two largest hospitals in the province.

On September 18 the Commissioner addressed a symposium which brought over 700 people to Ottawa from all over the country. The following is an excerpt from his address.

I have attached, partly because of my professional background, but very particularly as Commissioner and as a person responsible for the well-being of official language minorities, a great deal of importance to health care and social services, and I have tried to underline the importance that language plays in communications between health care professionals and those who need their care.

The understanding of a patient's problem by a health-care professional is a linguistic issue. The communication by the health-care professional to the patient of an understanding of the nature of the illness, the problem that the treatment represents, the expected outcome, the precautions to take, the way to look after oneself, is indispensable; and all of this has the objective, in most cases, of obtaining from the patient an informed consent for whatever treatment is needed for that person's benefit.

All of that has profound linguistic implications and I would like to say, in all simplicity but with profound feeling, that the responsibility of the health-care professional for obtaining appropriate information and drawing appropriate conclusions

<sup>7</sup> Letter dated June 9, 1998.



and communicating them to the person who is ill or otherwise needs help, must, in my view, take precedence over language of work rights of health-care professionals.

We, as health-care professionals, have the responsibility to look after our fellow citizens in the best way possible, and that is more important than our possible insistence on our linguistic working rights as we carry out our professional functions.

I would like to say an additional word which has profound importance in my sense of Canada. There are times when we have a certain impression that the problem of official language minorities is a French-speaking problem. There is an important English-speaking community living in Quebec in a minority situation, and yes, that community has a long and favourable history which has permitted it, largely by its own efforts, to create resources in health care, in education, in other fields.

There is a tendency among many people to say that the English language so dominates the world today that there is no need to protect English. I share that view with regard to the growing strength of the English language in international and Canadian communication, but to take this to mean that we need not be concerned about the English-speaking community of the Province of Quebec is a misreading of the reality which that community lives.

I have striven to achieve a dialogue, not with perfect success, about the equitable sharing of the human resources that are enrolled in schools, English and French schools, in Quebec. I have raised repeatedly the issue of French as a job skill so that people are on a level playing field as they approach the job market; and other issues.

I want to leave you with the reflection that a minority community needs the attention and consideration of the majority that surrounds it, and that this works in both directions of our linguistic equation.

#### Government services and minority associations

The recent transfer or devolution to the Quebec government of several programs that had in the past been administered by federal departments caused concern in the English-speaking community because of the possibility of reduced services in English. One program devolved to Quebec was human resources, in particular its employment and manpower training elements. Many English-speaking Quebecers were apprehensive because the human resource programs would no longer fall under the federal Official Languages Act. Would the right to English-language services be preserved? On March 31 the Commissioner released a special study of the federal-provincial/territorial devolution process and made recommendations to the federal government, including five principles to ensure the protection of language

rights. One of these principles included asking for a commitment to support of the official language minority communities.

The Commissioner asked Quebec's Minister of Employment and Solidarity, Louise Harel, to pay particular attention to the training needs of English-speaking Quebecers. In her response the Minister sought to allay fears of language difficulties and stated that, "We are certainly aware of the problems encountered by some English-speaking clients who seek prompt access to the labour market. Be assured that we will devote special attention to this matter".<sup>8</sup> (*Our translation*)

When the federal-provincial agreement was signed it did include components spelling out the rights of English-speaking Quebecers and the mechanisms by which these rights would be respected and implemented.

Another noteworthy initiative was the establishment of a Human Resources Development Committee following an agreement between the federal Minister of Human Resources, Pierre Pettigrew, and the Quebec Community Groups Network (QCGN) representing the English-speaking communities of the province. The agreement, signed by the Minister and community representatives (Alliance Quebec and the Châteauguay Valley English-Speaking People's Association on behalf of the QCGN), gives the new committee a mandate to provide advice to Human Resources Development Canada to "foster the development and enhance the vitality of the English linguistic minority community in Quebec." Its mandate also includes monitoring the impact on the official language minority communities of employment measures taken by the province.<sup>9</sup>

The QCGN began negotiations this year for the extension of the Canada-Community Agreement for Quebec, which is due to be renewed in May 1999. The QCGN insists that federal funding ought to be increased for English-speaking Quebecers to be closer to the per capita levels for Francophone minorities outside Quebec.

Besides calls for guarantees of government services in English community leaders continued campaigns for bilingual signs and better services in English from the private sector. On September 26 a large demonstration, led by Alliance Quebec President William Johnson, was held on Montreal's St.Catherine Street. Other issues of concern for the English-speaking community were inspections by Office de la langue française officials of commercial signs put up by shop-keepers, restrictions on the language of commercial websites and actions taken against certain cultural communities, in particular the Montreal Chinese.

<sup>8</sup> Letter dated June 17, 1998.

<sup>9</sup> Memorandum of Understanding dated May 29, 1998.

The English-speaking community of Quebec has two daily newspapers, *The Gazette* in Montreal and the *Record* in Sherbrooke. The latter suffered a serious fire but courageously resumed publication a few days later. The Global network is now broadcasting in English to many parts of Quebec, so that many English-language Quebecers can choose between three TV stations, the others being CBC and CTV. There are as well some 32 English-language weeklies, bi-weeklies and monthly newspapers, which benefit from a dynamic Quebec Community Newspapers Association providing them with many common services. There is an English-language Quebec Drama Federation (of which the Commissioner is a former board member and three-time honorary Festival Chairman) and there are many literary and cultural groups in the English-speaking communities. The Quebec Society for the Promotion of English Language Literature held its 11th annual awards gala in December. At QSPELL's request the Commissioner offered a prize for translation, won by Hélène Rioux for her translation into French of Yann Martel's novel *Self*.

The community is represented by various organizations, the largest being Alliance Quebec. With 4,300 members and a budget of \$933,000, the Alliance has 11 regional chapters, a Youth Commission and 24 associated groups. It held its 17th annual convention in Dorval this May, where a struggle for the association's presidency took place. William Johnson, a journalist and community rights activist from Gatineau, narrowly won over the incumbent president, Constance Middleton-Hope. Following this election Alliance Quebec adopted a more militant policy but certain groups, notably the Townshippers and the Voice of English Quebec, disassociated themselves from this approach.

Other large English-speaking groups are the Outaouais Alliance, based in West Quebec, the Gaspé's Committee for Anglophone Social Action (CASA) and the Châteauguay Valley English-Speaking People's Association. There are smaller but very dynamic English-language groups on the Lower North Shore (the Coasters' Association) and in the Magdalen Islands (the Council of Anglophone Magdalen Islanders). In addition to William Johnson at Alliance Quebec there were several new community leaders elected this year, notably Thomas Reisner for VEQ, Gary Richards for the Townshippers, Faye Sullivan-Stafford for the Outaouais Alliance, Richard Guyader for CASA and Tony Roberts for the Coasters.

#### Federal services

In our 1997 Annual Report we mentioned the Canada-Quebec Labour Market Agreement whereby the federal government transferred responsibility for employment and training programs to the provincial government. The Commissioner had written to the federal Minister of Human Resources Development, Pierre Pettigrew, to set out five principles to protect the rights of official language minorities in any devolution.

The agreement came into force on April 1 and was generally well received because of a component spelling out the policies and procedures governing services in English. It did, however, raise concerns in the English-speaking community, particularly in the Gaspé. Indeed, a telephone information service on job offers, hitherto available in both official languages, became, overnight, French only. We received two complaints about this and conducted an investigation. We learned that since April 1 the local provincial Employment Centre had been using the same telephone line as the federal Human Resources Centre (CHRC). The region's English-speaking community had not been notified of this change. In addition, the list of options did not include any indication or instructions in English for those who wished to be served in that language. The CHRC intervened with the provincial office and a short message in English was added inviting clients who wished to be served in that language to contact the local Employment Centre directly. We are following developments in this matter closely.

Generally, in Quebec active offer of service in person in both official languages in federal offices designated bilingual is problematic, especially outside the Montreal region. In an office where there is significant demand it is not unusual to find a multitude of bilingual signs, Treasury Board active-offer pictograms clearly visible at the reception counter and an impressive number of publications of all kinds in both official languages; yet when clients come to the reception counter they are greeted in French only. In most cases, however, if clients persist they will obtain service in the language of their choice.

There were 230 complaints lodged against federal institutions in Quebec in 1998, 183 being admissible, compared to 241 of 332 in 1997. It is interesting that the number of inadmissible complaints fell by over a third compared to the previous year, from 75 to 39. There seems to be clearer understanding in 1998 as to the scope and application of the Official Languages Act than in past years.

Year after year complaints in Quebec have come from both English-speaking and French-speaking citizens. In 1998 69% of complaints were made by English-speaking Quebecers and 31% by French-speaking Quebecers. There were 58 complaints against the Correctional Service of Canada from English-speaking inmates at Donnacona Institution. (For more detail see Part III, Chapter 1(g).)

Most of the complaints investigated related to language of service. Forty-eight of them concerned written communications, 20 visual communications and 16 communications by telephone. The two institutions that were the subject of the largest number of complaints were Canada Post and the Correctional Service. Of the 31 complaints against Canada Post 22 concerned aspects of Part v of the Act (Language of work). Of the 64 complaints against the Correctional Service 58 dealt with language of service for English-speaking inmates.



## ONTARIO

"Since January 1, 1998, 12 French-language school boards have been serving the some 100,000 French-speaking students in the province of Ontario: eight Catholic and four public school boards. This historic moment caps nearly a hundred years of struggle for recognition of the rights of Franco-Ontarians to management of their education."<sup>10</sup> (*Our translation*) That is how Odile Gérin, who was for several years the Director General of the Association française des conseils scolaires de l'Ontario (AFCSO), described the historic events in Francophone Ontario in 1998. She outlined the long road travelled by Franco-Ontarians to obtain the right to govern their schools. Considering the many obstacles encountered along the way achieving the goal is an extraordinary accomplishment.

### The new French-language school boards

The eight Catholic school boards are Grandes-Rivières (Timmins), Franco-Nord (North Bay), Nouvel-Ontario (Sudbury), Aurores boréales (Thunder Bay), Sud-Ouest (London), Centre-Sud (Toronto), Est-Ontarien (L'Orignal) and Centre-Est (Ottawa). The four public school boards are Nord-Est (North Bay), Grand-Nord (Sudbury), Centre Sud-Ouest (Toronto) and Ottawa. It should be noted that prior to this year most Franco-Ontarian schools were managed by French-language sections of mixed English and French school boards where Francophones were almost always in the minority.

This year was a transition period. While the provincial government was creating new structures on the French side it was reducing by half the number of English-language school boards by amalgamations. Two new education acts came into force, the Fewer School Boards Act and the Education Quality Improvement Act and the Ministry of Education introduced new core programs in mathematics, languages, science and technology.

The government of Ontario changed the funding formula for the system by taking away the power to raise property taxes from school boards and giving them larger grants. It announced three types of grants to school boards: basic grants, grants for specific purposes and grants for school facilities. Among the grants for specific purposes two categories are of special interest to French-language school boards: grants based on language, which take into account certain costs specific to French-language schools, and grants for small schools, which are numerous in the French-language sector. The Association franco-ontarienne des conseils scolaires catholiques congratulated the government for adopting this new method of funding which makes it possible to rectify

past inequities that sometimes prevented French-language school boards from receiving adequate funding.

The federal government also contributed to the establishment of the new French-language school boards. On June 17, in a special agreement signed by Ontario's Minister of Education, David Johnson, and the Minister of Canadian Heritage, Sheila Copps, the federal government agreed to contribute \$90 million over the next five years "for the implementation of a system of French-language school governance [In Ontario] in accordance with Section 23 of the Canadian Charter of Rights and Freedoms."

The education reform involved major transfers of the staffs and property of the former mixed school boards to the new linguistically homogeneous English and French boards. In general, this process went smoothly and the new school boards were able to assume their responsibilities quite quickly. In the course of the year Francophones began indeed to manage their school system throughout the province.

Some problems did arise. First, there were labour conflicts. A number of school boards, both English and French, were unable to come to agreements with the teachers' unions. In some districts teachers' strikes delayed the start of the school year by several days or even weeks.

In addition, in July Mr. Justice Cumming of the Ontario Superior Court handed down a decision in a case involving English-language school associations and the provincial government. The judge ruled that the part of the new Education Act providing that school boards would no longer have taxation powers and depend entirely on government grants was unconstitutional. This decision, based on Section 93 of the Constitution Act, 1867 applied only to Catholic school boards but threatened to compromise the implementation of several aspects of the new Act. The government decided to appeal the case.

Despite these problems Francophones felt great satisfaction in the achievement of school governance. Journalist Huguette Burroughs expressed it in these terms in *Le Journal de Cornwall* on April 2: "The future begins now....School management by and for Francophones is now an undeniable reality." (*Our translation*).

### The French-language post-secondary sector

Francophone Ontario has a number of French-language or bilingual post-secondary institutions, the largest being the University of Ottawa, La Cité collégiale in Ottawa and Laurentian University and Collège Boréal in Sudbury. Some 15,000 French-speaking students attend these institutions.

The University of Ottawa celebrated its 150th anniversary in 1998. Beginning as the small Collège de Bytown in 1848 it has become a university with an international reputation and over 24,000 students, 8,000 of them French-speaking; it offers more than 200 programs of study in French. In a letter to the

<sup>10</sup> *D'un obstacle à l'autre: vers le conseil scolaire de langue française*, Vanier, Éditions l'Interligne, 1998, p. 15.



Commissioner the Rector, Marcel Hamelin, wrote, "I am personally very proud of what has been accomplished in this area [expansion of services in French], from the introduction of the common law program entirely in French to the creation of programs entirely in French in physiotherapy, occupational therapy, audiology, speech therapy, social service, etc." (*Our translation*)

Laurentian University in Sudbury also provides courses in both languages and its new Rector, Jean Watters, has stated clearly that services in both English and French are a priority.

The bilingual Glendon College, affiliated with Toronto's York University, accepted 1,800 students this year and intends to offer new programs to increase this number. The Principal of Glendon College, Dyane Adam, who will become Canada's fifth Commissioner of Official Languages in 1999, announced that the Regroupement des universités de la francophonie hors Québec has created an electronic network that will allow students to access distance education courses from other institutions which belong to the Regroupement.

Despite the achievements of these universities some Franco-Ontarians are calling for more than bilingualism. The Association canadienne-française de l'Ontario (ACFO) is seeking the establishment of a homogeneous French-language university in the province, an objective that the Commissioner has supported on a number of occasions. In the April 7 issue of *Le Droit* the President of the Association, Tréva Cousineau, wrote, "ACFO no longer accepts the claim that Franco-Ontarians are not numerous enough to justify a [homogeneous] French-language university. Let us leave to others the job of promoting the development of bilingualism and biculturalism and rely on ourselves to develop Franco-Ontarian dignity and cultural identity." (*Our translation*).

The network of French-language colleges in Ontario includes three community colleges: La Cité collégiale in Ottawa, Collège Boréal in Sudbury and Collège des Grands Lacs in Toronto. Founded nearly 10 years ago, La Cité collégiale offers nearly a hundred post-secondary programs to some 3,600 students and trade and literacy courses to adult students at regional campuses in Hawkesbury and Cornwall. The work of the President of the Collège, Andrée Lortie, was honoured this year when she received the Order of Ontario from the province's Lieutenant Governor, Hilary Weston.

Collège Boréal in Sudbury offers over 60 programs to 1,650 students at its main campus and six others in Elliot Lake, Hearst, Kapuskasing, New Liskeard, Sturgeon Falls and Timmins. Created three years ago by the amalgamation of the French sectors of bilingual colleges in northern Ontario, Collège Boréal has consolidated French-language programs and innovated in a number of areas. For example, it has sought to promote the economic development of northern Ontario through partnerships with employers and the training of highly skilled labour while establishing a skills centre, Les Entreprises Boréales. The Collège has also invested large sums in technological infrastructure and facil-

itated the establishment of the comprehensive regional service networks necessitated by Ontario's vast northland. The Collège has contributed to Ontario's literacy programs and one of its teachers, Claude Boutin, was appointed Chair of a provincial committee of literacy students. The Centre franco-ontarien de ressources en alphabétisation emphasized the urgency of work in this area since up to 60% of Francophones in the province appear to have difficulty reading.

This year the Collège des Grands Lacs in Toronto offered distance courses in office administration, business, informatics and several other disciplines to 178 French-speaking students in southern Ontario. The Collège, founded three years ago, still does not have a main campus. Following the lead of the Chair of the Board of Directors, Francois Benoit, and the President, Robert Mayrand, the Collège's management prepared a plan that involves a major change of direction: the Collège will no longer depend solely on distance education but will also offer traditional classroom programs and have a main campus in Toronto. In a letter to the Minister of Canadian Heritage the Commissioner, who had met with M. Mayrand in Ottawa, praised this plan and referred to the institution's promising future: "Let us bear in mind the great potential of Collège des Grands Lacs. The potential clientele is considerable; the economy is looking up and in many fields there is a shortage of qualified labour. In south-central Ontario there are some 165,920 Francophones."

Alfred College in eastern Ontario is now part of the University of Guelph but still offers courses in French in agricultural science. Its new President, Gilbert Héroux, pointed out the advantages for his college of being part of an internationally respected university while remaining a French-language institution.

### The assimilation of Franco-Ontarians

The data on education necessarily prompt reflections on the issue of assimilation. In eastern Ontario the data on assimilation gathered in the last Statistics Canada census (1996) are disturbing. It is especially worrisome that in Prescott-Russell, a bastion of the Franco-Ontarian community, 6.6% of Francophones reported that they spoke English at home more often than French. In 1991 this figure was 5%.

Statistics Canada is conducting tests to evaluate the possibility of adding other questions on language to the 2001 census. Additional questions would make it possible to verify the real knowledge of languages more precisely, their use in various areas of personal and professional activity and the actual rise (or fall) of assimilation.

In a broader perspective, the Franco-Ontarian community, whether in eastern Ontario or elsewhere, believes that these data reflect problems such as the lack of adequate French-language education that it has had in the past, up to some 20 years ago. It is to be hoped that assimilation has peaked and that the next censuses will reflect the results expected from the massive investment

made in recent years to promote education in French and cultural awakening.

In other respects recent indicators seem to show that the Franco-Ontarian community has made notable progress. An internal study by Canadian Heritage shows that younger generations of Franco-Ontarians have succeeded in catching up in education. According to the 1996 census only 1.4% of Franco-Ontarians have not completed grade 9 compared to 3.3% of Francophones outside Quebec and less than 2% of all Ontarians.

The same trend can be seen in post-secondary education. The percentage of French-speaking young people outside Quebec between the ages of 15 and 34 who have completed post-secondary education increased from 16.7% in 1971 to 39.5% in 1996. The proportion of university graduates increased from 3.9% in 1971 to 13.5% in 1996. In Ontario this figure is 19.9%. Thus, for both primary and secondary education and for post-secondary education, Franco-Ontarians boast percentages higher than those for all Francophones outside Quebec and quite similar to those for the general Ontario population.

All indications are that Ontario Anglophones are becoming more bilingual and thereby promoting the wider use of French. In the province's schools 1,196,490 young Anglophones are learning French as a second language.

### Health services in French

The budget cuts and the restructuring of programs in the field of health in Ontario have caused special problems for the province's French-speaking population. In February 1997 the Health Services Restructuring Commission (HSRC) recommended the closing of Ottawa's Montfort Hospital, the principal community hospital for Francophones in eastern Ontario. The HSRC reconsidered this decision in August but recommended major reductions in the hospital's services, including the transfer of emergency room, specialized medicine and major surgery services to the new Ottawa mega-Hospital.

The French-speaking community in the national capital and in the entire province was deeply disturbed by these decisions and as early as February 1997 people were mobilized by the SOS Montfort Committee to support the hospital. Throughout 1997 there were demonstrations and marches in favour of the hospital and an impressive petition was presented at Queen's Park. The Commissioner intervened several times with the HSRC and the provincial government to defend the preservation of the hospital's services and proposed that it become, through its affiliation with the Faculty of Medicine of the University of Ottawa, the clinical centre for the training of French-speaking health professionals for all of Canada outside Quebec. He also made numerous representations to the federal government to increase its awareness of the issue.

Interventions in favour of preserving the hospital continued in 1998. Michelle de Courville-Nicol, Chair of the hospital's board

of administration, stated in the September 23 issue of Ottawa's *Le Droit*: "Brick by brick, one doctor, one professional, one employee at a time, we have built an institution so exceptional that today it excites the passions of an entire community....Montfort will emerge from all of this with increased stature, like its staff and the Franco-Ontarian community that has so generously defended it." (*Our translation*).

However, since the actions in defence of the hospital had not produced tangible results the board of administration resolved in October that the only way to block service cuts at the hospital was to go to court. It filed an action in the Court of Ontario under Section 15 of the Canadian Charter of Rights and Freedoms. The Commissioner requested and obtained intervenor status in this action.

There was a ray of hope in this affair during 1998. The Faculty of Medicine of the University of Ottawa and the Montfort Hospital adopted the Commissioner's proposal as their own and advocated a plan to develop a professional training program in the health field for French-speaking students from outside Quebec. (Darren Praznik, Manitoba's Minister of Health, originated this idea.) Canadian Heritage provided a grant for a feasibility study. *Le Droit* was optimistic: "The Montfort Hospital, destined for certain closure a year ago, could become a national training institute for French-speaking health professionals." (*Our translation*).

(On January 6, 1999, the federal government, represented by Mauril Bélanger, the Member of Parliament for Ottawa-Vanier and Parliamentary Secretary to the Minister of Canadian Heritage, announced a \$10 million grant to the University of Ottawa for the training of 30 doctors and 60 health professionals in other disciplines to serve the French-speaking minority communities.)

The restructuring of health services also affected Franco-Ontarians in several other regions. At the new health centre in Sudbury the appointment of a unilingual English director general created problems and provoked discussion about the appropriate numbers of English-speaking and French-speaking members of the board of directors.

In Cornwall the French-speaking population was upset over an HSRC decision that the Hôtel-Dieu Hospital would become a chronic care centre and that the Cornwall General would be the main community hospital in the district. On July 11 a thousand friends of Hôtel-Dieu, both English- and French-speaking, marched to protest the decision. ACFO participated in the presentation of a petition in favour of preserving the hospital. On November 24 the Commissioner wrote to Ontario's Minister of Health, Elizabeth Witmer, concerning French-language health services in Cornwall.

In June 1998 a study by the Fédération des communautés francophones et acadienne du Canada entitled *Gardons notre santé* showed that in general the availability of health services in French in Ontario varies by region. Basically, services in French are available in eastern Ontario, limited in the north and virtually



absent in the central and western parts of the province. Other research indicates a shortage of over 250 French-speaking doctors in the province. The Commissioner's proposal is therefore highly pertinent.

#### Government services and community organizations

A number of community organizations represent the social, cultural and economic interests of Franco-Ontarians. Among the best known are ACFO, the Association française des municipalités de l'Ontario and the Association des juristes d'expression française de l'Ontario. These three organizations have expressed grave misgivings about the provincial government's Bill 108 (which deals with the prosecution of provincial offences and is intended to reduce duplication and simplify administration) and about the proposed transfer of certain provincial and federal programs to the municipalities. In the opinion of the Francophone community organizations some municipalities are unlikely to provide services in French and the guarantees contained in federal and provincial language legislation may no longer apply, leaving French-speaking clients without recourse in the event of lack of service.

The Commissioner, who received a number of complaints in this regard, intervened with the federal and provincial governments. He cited certain guiding principles that would ensure two-language services when powers are delegated. On June 17 the Commissioner wrote to Ontario's Minister of Municipal Affairs, Al Leach, to emphasize the need to guarantee service in both official languages after the transfer of services to the municipalities. In his reply Mr. Leach stated that "municipalities will continue to meet the needs of the Francophone community." A member of the provincial legislature from northern Ontario, Gilles Bisson, tabled a private member's bill to confirm the language rights of citizens when programs are transferred between different levels of government. At year's end the community organizations and the Commissioner were watching the situation closely.

The Secretary General of La Francophonie, Boutros Boutros-Ghali, visited Ontario and the Minister Responsible for Francophone Affairs, Noble Villeneuve, expressed his government's interest in participating in the Francophone Summit in Moncton in the fall of 1999. A number of observers, including editorialist Murray Maltais of *Le Droit*, wondered whether Ontario should not recognize French as the province's second official language. A poll made public by Télévision française de l'Ontario (TFO) showed that 77% of Ontarians would favour official bilingual status for Ontario.

Cultural life in French Ontario is rich. The province has 10 French-language professional theatre companies in addition to Réseau Ontario, an agency for disseminating information about theatre arts. This network organized the presentation of four musical shows, four plays and two variety shows in eight cities, from Hawkesbury to Hearst. "We have made great strides since

the Estates-General [of Franco-Ontarian theatre] in 1991," said Claude Petit of Théâtre Action. (*Our translation*).

Theatre has had a greater presence in the schools since the organization of the Festival franco-ontarien de théâtre en milieu scolaire. By the beginning of 1999 more than 20 productions will have been presented in as many secondary schools. TFO continues to have a large viewing audience, not only among Ontario students but throughout the province and in New Brunswick. The sixth French book fair held in Toronto in October was a success (80 authors and artists and 12,000 visitors) and eastern Ontario launched its first French book fair in Casselman in November.

Many other festivals, such as the Festival franco-ontarien in Ottawa and La Nuit sur l'étang in Sudbury, to mention only the best known, continue to enrich Francophone Ontario as do community radio stations and publishing houses. Radio-Canada is on the air virtually everywhere, although some Francophones complained this year about not being able to receive RDI, TVA and TV5 programming. The Commissioner raised this issue with the CRTC. At year's end the CRTC agreed to give TVA status as a national broadcaster; it will now be possible to receive it everywhere. Francophone Ontario is proud of Ottawa's *Le Droit*, the province's only French-language daily, several French-language magazines, such as *Infomag*, and more than a dozen weeklies published in French.

#### Federal services

Ontario's French-speaking community is about half a million strong, making it the largest Francophone community in a majority English-speaking province; of the 30,602 federal government positions in Ontario outside the National Capital Region 2,726 (8.9%) are designated bilingual.

In 1998 292 admissible complaints were lodged against federal institutions in Ontario. This is an increase of 25% over last year. Of these, 274 (93.8%) dealt with language of service, an increase of 25%. A closer look reveals an increase from 32 to 81 in the number of complaints involving media communications as well as an increase in those related to ground services provided to the travelling public, up from 22 to 61. Conversely, complaints concerning in-person communications are down from 47 to 22 and those involving telephone communications are also down, from 37 to 11. Despite these decreases there continues to be concern over the lack of active offer of service in designated offices, an important element not only in signalling the availability of services in French but also in determining the real demand for service in that language.

The 129 complaints lodged against Air Canada for the most part concerned the lack of in-flight or check-in services, including those provided by the airline's regional partners flying into areas of the province having the highest concentration of Francophones, e.g., Timmins, Sudbury and North Bay. Air Canada has assured us that it will meet its obligations to provide counter



and in-flight services in both official languages and we will continue to monitor the situation. Given the persistence of problems at Lester B. Pearson International Airport in Toronto the Commissioner is proceeding with the court remedy action undertaken against Air Canada concerning the lack of services in French. (See Part III, Chapter 1(g).)

Prominent among the 30 complaints involving Human Resources Development Canada are the inequality of access in French to the Department's Internet website, the lack of publications in French on the Youth Entrepreneurship Program and the Katimavik Program in Sault Ste. Marie and in-person communications associated with training courses provided by the Department. There were also problems with unilingual reception services at some designated offices. The Department is currently working to resolve all problems related to its Internet sites and the Human Resources Centre in Sudbury is preparing a simultaneous launch of an English- and French-language website. The Department has also reminded agencies charged with publication of advertisements on its behalf that these must be in both official languages and it has agreed to ensure that service to the public at designated offices is available in both official languages. A case in point is the Human Resources Centre in Toronto where two bilingual client service representatives have been hired.

We conducted a follow-up on our 1995 investigation concerning the Labour Force Development Strategy for Francophones in Ontario; results will be found in Part III, Chapter 1(h)(v).

Of the 20 complaints filed against Revenue Canada most concerned the lack of Customs services in French at border crossings in northern and southwestern Ontario and at Lester B. Pearson International Airport. Our follow-up on service to the public at six Customs facilities in southwestern Ontario and an on-site visit at the Queenston facility will, we trust, bring about improvements to service to the public in French in this region.

The 17 complaints concerning Transport Canada dealt with signage, service and written communications at airports in Sault Ste. Marie, Sudbury and North Bay and with pre-board security screening at Lester B. Pearson International Airport and at the Sudbury Airport. Discussions were underway at year's end with the Department following questions about the applicability of the Official Languages Act to regional and local airports which have been leased or sold.

Most of the 16 complaints involving Canada Post concerned the lack of signage in both official languages at post office counters, on post boxes and on post office vehicles. Also included were complaints about Canada Post media advertisements which were not published in both languages. Other infractions related to lack of service on the telephone and in person. Canada Post has reviewed its obligations regarding the correct use of both official languages in signage and media advertisements to ensure that clients are served in the language of their choice.

National Defence was the focus of 13 complaints, of which some concerned DND-related Internet addresses which were not available in both official languages. Others dealt with certain services offered at the Family Resource Centre in Petawawa which were not available in French. Documentation will now be provided in both official languages and officials are working to offer other services in French at the centre in order to respect the linguistic obligations established under DND's Policy for Services to Families of Military Personnel.

The Canada Immigration Centre in Etobicoke was the subject of an enhanced investigation by the Ontario Regional Office in response to two complaints dealing with the unavailability of landing services in French. This is the only CIC to offer landing services in the Greater Toronto Area. As a result of our evaluation the Etobicoke CIC is now a designated bilingual office.

The Canadian Radio-Television and Telecommunications Commission was again this year the focus of the Francophone community with regard to the regulations and conditions under which cable companies offer French-language television stations such as TV5 and TVA in Ontario. Taking these concerns into consideration, as well as its objective of increasing Canadian content and the number of TV networks of a general nature, the CRTC ruled that TVA will be distributed not just in Ontario but nationally as well by cable companies, thereby providing more equitable programming in both official languages.

A complaint common to several departments concerns a failure to use an effective communication medium to reach the public in the official language of its choice. As indicated above, complaints involving media communications in Ontario have more than doubled (from 32 to 81) in the past year. In some areas French-language newspapers have either ceased publication or have changed from a weekly to a semi-monthly format. This has led to unequal treatment. Departments have in several cases not undertaken to publish their announcements in both official languages, using the majority language newspaper having the largest circulation in areas where a French-language newspaper is not available. Our Office has sensitized departments to their obligations in this regard and we will continue to monitor compliance.

## **MANITOBA**

The steps taken by the Franco-Manitoban School Division to obtain adequate financial resources to ensure genuine access to education in French, pursuant to Section 23 of the Canadian Charter of Rights and Freedoms, were not very successful in 1998. The FMSD prepared a comprehensive study, published in 1999, in an effort to obtain adequate resources when the Canada-Manitoba agreement on school governance is renewed. The Fédération provinciale des comités de parents decided to challenge the constitutionality of the Public Schools Act in court. This Act imposes financial and administrative constraints on the FMSD which, in the latter's view, are detrimental to equitable application of

Section 23 of the Charter and the decision of the Supreme Court of Canada in the 1993 Manitoba Reference.

École Saint-Claude is now part of the FMSD. Parents in this community wanted to ensure that the school would have satisfactory and permanent facilities. To this end, and in view of the Department of Education's refusal to grant the FMSD funding for the construction of a school, they courageously decided to finance the project themselves. The community of St. Vital is also supporting a project to build a school and community centre to ensure better access to French-language secondary education for the French-speaking community of Winnipeg South.

Funding for the Collège universitaire de Saint-Boniface received one-time assistance from the Department of Canadian Heritage and from the provincial government under the Official Languages in Education Program. This support will enable the Collège to act on the report *Returning to Full Sail*, which sets out the mission and strategic and developmental policies of the Collège. The institution hopes to double its enrolment over the next five years.

The Internet is opening up new opportunities for instruction in French. The CUSB's Introduction to Psychology course is available on the Internet and many students are enrolled in it. We also note the collaboration in distance education of the CUSB and the University of Moncton, which affords an opportunity to take master's courses in French in business administration.

In June Mr. Justice Chartier tabled his report on the Manitoba government's French-language services policy. The report, *Above All, Common Sense. Report and Recommendations on French-Language Services Within the Government of Manitoba*, was prepared at the request of the Minister of Health and Minister responsible for French-Language Services, Darren Praznik. It examines the statement of policy on French-language services and recommends improvements. Among other things, it proposes making the boundaries of regions designated bilingual coincide with those of municipalities and establishing community service centres (CSCs) in these regions. The CSCs would bring together in a single facility the bilingual staffs of various departments and would thereby help to increase the use of French as a language of work and, in particular, of service. The report also recommends that St. Boniface General Hospital offer more health services in French. It states that fewer than 15% of the nurses and doctors at this institution are able to provide service in French. According to the report, it is necessary to train more French-speaking and bilingual health professionals.

The Chartier report also recommends establishing a bilingual division of the Manitoba provincial court in St. Boniface. The Groupe de travail pour l'amélioration des services en français au sein du système judiciaire du Manitoba also proposed to the province's Minister of Justice various measures to promote access to justice in French; and the Association des juristes d'expression française du Manitoba, with which the Commissioner had sus-

tained discussions during the year, produced an informative videocassette on access to justice in French for use in schools.

The Commissioner's report on federal government transformations led to the creation by Treasury Board of a task force on this issue. In a brief presented to the task force the Société franco-manitobaine stated that sufficient account had not been taken of linguistic duality in government transformations. It recommended the creation of one-stop community service centres. With regard to the transfer of responsibility for human resources development and occupational training to Manitoba, a co-ordinating structure was set up between the SFM and Human Resources Development Canada to facilitate the administration of the Community Job Creation Program.

At its annual general meeting the SFM adopted a comprehensive development plan for the Franco-Manitoban community that sets out strategic priorities and directions. This plan, which was adopted by consensus, will serve as a background document for the coming negotiations on renewal of the Canada-Community Agreement.

The Centre du patrimoine in St. Boniface was inaugurated on September 25. On this occasion the Secretary of State for Western Economic Diversification, Ronald Duhamel, emphasized the importance of this centre for conservation and research dedicated to the promotion of Manitoba's Francophone and Métis heritage. It should be noted that the archives of the Diocese of St. Boniface have been deposited at the Centre and that these documents relate the history of the province since its founding.

The weekly *La Liberté* was awarded the title "newspaper of the year" and received nine awards for excellence from the Association de la presse francophone. A vigorous subscription campaign on the newspaper's 85th anniversary enabled it to increase its readership. The 100 Nons, the cabaret that gives young Franco-Manitobans an opportunity to appear in public, is celebrating its 30th anniversary this year.

The Economic Development Council of Manitoba held a second Forum of French-Speaking Businesspeople. More than 400 persons from all across Canada and from the region of Deux-Sèvres in France participated in the deliberations. One of the Forum's main recommendations was for the development of a pan-Canadian Francophone tourism network. The Council received an investment fund of \$500,000 from the federal Department of Western Economic Diversification and \$50,000 from the Manitoba Department of Industry, Trade and Tourism for innovative economic initiatives. Its report, *Profil économique des communautés francophones de l'Ouest*, includes consideration of economic structure, job quality, integration into the labour market and level of education of workers.

Despite an increase in home language transfer from French to English it is encouraging to note the continually increasing value of bilingualism economically. For example, Winnipeg has become a major centre for two-language call services. On October 1 the



Corporation de développement économique Riel, which covers the St. Boniface, St. Norbert and St. Vital neighbourhoods, was created. This institution promotes community cohesiveness through economic development projects. We also note the 25th anniversary of Francofonds. Since its creation this foundation has given over \$800,000 to the community in the form of scholarships and contributions to cultural groups, youth movements and publications.

The Commissioner has followed all these developments closely and has had a number of meetings with the SFM and other community organizations, both in Winnipeg and in Ottawa.

### **Federal services**

Of the total of 64 admissible complaints filed against federal institutions in Manitoba in 1998 more than 25% dealt with telephone services. When the public is not clearly and audibly offered a choice of language of service the level of demand in the minority language is systematically depressed. Unfortunately, this absence of two-language service on the telephone is fairly consistent with the 1997 follow-up results on our report on designated offices, which found that two-language telephone services were unavailable 33% of the time. Complete findings of our 1997 follow-up study for Manitoba were published in May 1998.

Complaints concerning inadequate two-language ground services for the travelling public increased significantly in 1998 over 1997 and in-person communications showed little progress. Revenue Canada, the Royal Canadian Mounted Police, Canada Post and Air Canada account for more than half the complaints.

Two significant accomplishments achieved by federal institutions in Manitoba in 1998 contributed to the enhancement of official languages. In October the Manitoba Federal Council established an official languages sub-committee composed of senior federal officials and key priority sector representatives of the Franco-Manitoban community. With a mandate to promote the vitality of the Francophone community, the sub-committee will provide the official language minority with an opportunity to participate in developing programs and services and to partner in their delivery. It will also serve as a forum for the discussion of horizontal issues involving several departments as well as fostering communications with other levels of government. Creation of the sub-committee is an important step towards meeting the federal government's commitment to support and assist the development of the Franco-Manitoban community.

A two-year contract awarded by Canadian Heritage's Manitoba Office to a private firm to support implementation of Section 41 of the Official Languages Act by key federal institutions in the province was completed this year. Efforts to establish sustainable partnerships with a number of federal institutions led to several concrete projects of benefit to the community and also spoke to the success of interdepartmental initiatives. As a result there was more effective access to federal programs and a more sustained dialogue with federal institutions. Work achieved under the con-

tract helped the Franco-Manitoban community prepare a global development plan that will further dialogue and co-operation with federal institutions in the spirit of Part VII of the Act.

Another noteworthy event deserves mention. The Canada Human Resources Centre in St. Boniface was recognized at a special presentation held in Ottawa by Marcel Massé, President of Treasury Board, in September. The St. Boniface CHRC demonstrated commitment and dedication in providing French-language services of marked excellence during the traumatic days of the Manitoba flood of the century in 1997.

### **SASKATCHEWAN**

The Conseil scolaire fransaskois, the creation of which was announced in 1997, began operating on January 1, 1999. This board is the result of the amalgamation of the nine school boards established following the introduction of school governance in 1994. The Conseil général des écoles fransaskoises and the Association des parents fransaskois organized information sessions to facilitate this major transition.

The school and community centres Le Carrefour des Plaines de Regina and Le Carrefour de Prince Albert are equally major achievements. These centres bring various community agencies, in addition to the school, together under one roof.

Despite these positive developments some problems persist in the area of education. Establishment of a French school in Zenon Park was not without significant difficulties and the Saskatchewan Court of Appeal, ending a long controversy, forced the Zenon Park immersion school to share its premises with the Fransaskois school Notre-Dame-des-Vertus.

Collège Mathieu in Gravelbourg, which is now 80 years old, reflected on its mission and *raison d'être* in an effort at revitalization. A joint committee consisting of representatives of the Collège, the Department of Education and Saskatchewan's Francophone community looked into this issue. The committee recommended that the Collège be granted the status of a community college in order to raise its profile. Negotiations with the Department of Education are continuing.

Following tabling of the report on the restructuring of Fransaskois governance the Estates General II convened in April; the delegates supported a resolution to the effect that the Association culturelle franco-canadienne de la Saskatchewan review its bylaws and become an assembly of the province's French-speaking community. This change would make the association a more effective and more representative body.

The Canada-Community agreement in Saskatchewan is designed primarily to develop the economy, normalize French life, put the communities in touch with one another and promote cultural and artistic expression as well as recreational and sports activities in French. Unfortunately, the budget of the Canada-Community Agreements has been cut radically since 1992.



Health Canada is subsidizing a French-language daycare centre in Saskatoon. The federal government's commitment under Section 41 of the Official Languages Act should prompt the Department to subsidize other French-language daycare centres and to include the linguistic isolation factor in its funding criteria.

Economic forums provide excellent opportunities for promoting dialogue among the various persons responsible for a region's prosperity. In January the Conseil de la coopération de la Saskatchewan organized the second Fransaskois economic forum with Added Value: Strategies for the Future as its theme. This colloquium led to the development of strategies for promoting community economic development, particularly through expansion of the tourism industry. In addition, the CCS and the ACFC undertook a study of the province's Francophone community centres, which are funded by the Human Resources Development Canada and the Canada Business Development Bank.

The Fondation fransaskoise, arising from an amalgamation of the Fondation de la radio française de la Saskatchewan and the Fonds fransaskois, provided financial support to some of the province's Francophone organizations. The Coopérative des publications fransaskoises, which publishes the weekly *L'Eau vive*, received the largest sum.

In 1994 the Saskatchewan Department of Justice launched a program to translate the province's laws; over 30 bilingual statutes have now been published in the Statutes of Saskatchewan. The Association des juristes de langue française de la Saskatchewan, in co-operation with the ACFC, undertook a research project entitled Opération définition to determine which French-language services might be provided in Saskatchewan.

According to the ACFC the Office of French-language Coordination should resume its liaison role with Saskatchewan's French-speaking community.

Radio-Canada is operating in Saskatchewan with considerably reduced resources. "L'Accent francophone" and the RDI regional news broadcasts are the two major programs that cover events in Saskatchewan's French-speaking community. In addition, a community radio station came on the air in Gravelbourg in October and, beginning in April 1999, the TVA network will be available on basic cable service.

*L'Eau vive* received several awards for excellence from the Association de la presse francophone and the 20th anniversary of the founding of the Société historique de la Saskatchewan afforded us an opportunity to highlight this newspaper's remarkable contribution to the study of the history of Saskatchewan's Francophones.

On the centenary of the founding of St. Maurice parish the community of Bellegarde hosted the 19th Fête fransaskoise. Despite the size of this event the future of the Fête seems in doubt. The Commission culturelle fransaskoise will consult the community about this.

Community determination is essential if the trend among many Saskatchewan Francophones whose mother tongue is French to use English predominantly at home is to be reversed. It is encouraging in this context to note the financial assistance provided by the Official Minority Language Office to some 30 francization projects designed to prepare children for French schools.

Last May the Commissioner travelled to Regina to meet with the President of the ACFC, Lorraine Archambault, and its Director General, Louis Émond. He reviewed the community's major issues and outlined useful interventions on which he took action.

### Federal services

The report of our special study of federal offices designated bilingual in Saskatchewan was published in September 1998. The findings for the province as a whole are generally unsatisfactory. While signs, notices and printed materials are usually available in both languages the situation is quite different regarding service on the telephone or in person. The survey of 37 offices designated bilingual showed that service in French on the telephone was consistently available only 67% of the time. Service in person in French was received at only 61% of the offices visited. A number of offices had no bilingual staff and some others could rely on the services of only one bilingual employee. This is unacceptable. The offices designated to provide service in both languages must have enough bilingual staff to serve French-speaking clients at all times. We made specific recommendations to the offices visited to enable them to take appropriate corrective measures. Of the 1,057 offices in Saskatchewan, 141 are presently designated bilingual.

In 1998 52 admissible complaints were made about federal institutions compared to 27 in 1997. The increase can be explained by a concentration of 46 complaints about the language of communications in the media. Federal institutions will have to ensure compliance with Sections 11 and 30 of the Official Languages Act in contracts or agreements with advertising agencies and with third parties who administer programs on their behalf.

This year was marked by the transfer to the province of responsibilities previously assumed by Human Resources Development Canada in labour market training. Saskatchewan was the ninth province to sign an agreement on labour market development, under which the province assumes full responsibility for the design, management and delivery of employment programs and services. The federal-provincial agreement which led to the transfer, and which contains clauses to ensure the availability of service in both official languages where numbers warrant, was received favourably by the Association culturelle franco-canadienne. However, the Association deplored the absence of a recourse and redress mechanism. The ACFC continues to urge the community to remain vigilant and is asking the partners to the agreement to respect the assurance it was given of having a seat on the program evaluation committees. Four offices of Human

Resources Development Canada provide services in French in Saskatoon, Regina, Prince Albert and Moose Jaw.

Despite the poor performance of a number of federal institutions in providing service in both official languages ample recognition should be given to the considerable efforts made by the institutions that do meet their linguistic obligations. Among them are the Canada Business Development Bank, Canadian Heritage and Statistics Canada.

## **ALBERTA**

For a year the Franco-Albertan community has had the benefit of major new institutions: the Cité des Rocheuses in Calgary, the Cité francophone in Edmonton and the school and community centres in Calgary and Fort McMurray. Cité des Rocheuses in particular has given new impetus to local Francophone organizations and has led to the achievement of many projects but at year's end its financial health was wavering and a cause of considerable worry.

The existing structure of education, which includes three coordinating committees and three school boards, was put in question by the Alberta Minister of Education. He suggested the establishment of a single Francophone school board. The Fédération des parents francophones de l'Alberta and the Association canadienne-française de l'Alberta objected to this suggestion and instead proposed four school boards to take regional differences into account. The Fédération des conseils scolaires et des conseils de coordination de l'Alberta also recommended the establishment of four independent Francophone school boards for the province.

Some parents in Calgary prefer the status quo, that is, the management of schools by a bilingual Catholic school board; others want a homogenous Francophone school board. In any event, the region of Calgary is still waiting for French-language school governance; it is one of the last regions in Canada still waiting for it. Yet school governance is a vital tool for the implementation of Section 23 of the Canadian Charter of Rights and Freedoms. In November the Commissioner wrote to the Minister of Education in this regard; the Minister announced the formation of a Francophone school board, with the Calgary situation still hanging fire.

On May 21 École Sainte-Marguerite-Bourgeoys in Calgary was officially opened. This school is a great success and has over 600 pupils. We also note the opening of a French-language public school, Queen's Park, in Calgary this year, with over 100 pupils, and of a new school in Grande Prairie.

The FPFA has just launched the Institut Guy-Lacombe de la famille, which aims at increasing resources, programs and social and health services in French to better meet the development needs of French-speaking families in Alberta.

The Faculté Saint-Jean, a component of the University of Alberta in Edmonton, had a sharp increase in enrolment. This success is attributable to the introduction of a scholarship pro-

gram, a well-organized recruiting campaign and the availability of a bilingual undergraduate program in business administration. Assistance from Canadian Heritage and a funding campaign will permit the renovation of the historic residence of the Faculté Saint-Jean. On this institution's 90th birthday it is important to mention a \$500,000 gift from the J.-Armand Bombardier Foundation for administration courses in French. Canadian National gave the Faculté Saint-Jean \$100,000 for scholarships. An agreement signed in April with the Institut universitaire de formation des maîtres de Toulouse will enable students of Faculté Saint-Jean to attend a course of training there.

The Conseil de la langue française of Quebec and the City of Quebec awarded the Faculté Saint-Jean the Prix du 3 juillet 1608. The President of the Conseil de la langue française notes that this award is intended to recognize the outstanding contribution of the Faculté to the advancement of the language, culture and learning of Francophones in North America.

Athabaska University, which has offered a distance education program since 1972, concluded an agreement with the Télé-Université of the University of Quebec. This partnership, which begins in September 1999, will allow students in both provinces to access comprehensive and bilingual distance education.

The cultural and business centre of the Cité francophone in Edmonton meets the long-expressed wish of Franco-Albertans to combine the economic, cultural and social aspects of life in a centre that reflects their reality. The Cité serves as a centre for community assistance and services.

The first year of activities at the Calgary and Fort McMurray school and community centres confirmed the importance of community life to the vitality of a minority. Along with the schools they house these centres are becoming environments for community living and solidarity. The fear of isolation for example is greatly reduced thanks to these multi-purpose centres.

In March the Association multiculturelle francophone de l'Alberta held a forum called The Experience of Cultural Difference by Francophone Immigrants. Canadian Heritage offered training sessions to the AMFA to assist in welcoming and integrating French-speaking immigrants of various ethnic origins.

The Fondation de la Chambre économique de l'Alberta provides the province with a new development tool. This agency is pleased with the fact that bilingualism is an "added value" that attracts investment. Bilingual jobs in the telephone services sector are increasing rapidly, particularly in Calgary.

The RDI is broadcast widely in Alberta. We regret, however, that the Grande Prairie, St. Paul, Peace River and Plamondon regions are still without this important service. On the other hand, Francophones in Thorsby and Bonnyville can now receive the CBC Radio 1 network on CHFA. TVA has obtained status as a national network for mandatory broadcast from the CRTC. Beginning in April 1999 TVA will be available on basic cable service.



## Federal services

In 1998 56 complaints were filed; as in the past, most of them dealt with lack of French-language services. Air Canada was the target of nine complaints dealing with boarding announcements, counter services and advertising placed in the English-language press only. Despite some corrective actions taken by the Corporation, the situation is still precarious.

The biennial conference of the International Association for Volunteer Effort, held at the University of Alberta in August and sponsored in part by the Canadian International Development Agency, gave rise to three complaints against Canadian Heritage, Western Economic Diversification Canada and Industry Canada. A number of federal and provincial departments set up information booths relating to this presentation of volunteer services in various economic sectors. The complainants criticized the lack of French-language documentation and service. The departments in question have since reminded their employees of their obligations and will be careful to avoid any recurrence of this type of infraction.

Two other events, this time of a national nature, raised the issue of equal service in both official languages. During National Francophonie Week a meeting organized by Canadian Heritage in Edmonton was conducted 80% in English. The Department reviewed its policy on meetings attended by members of both official language communities. Citizenship and Immigration published an English-only program for a citizenship ceremony held on Canada Day in Edmonton. The Department subsequently agreed to publish the program in both official languages in future.

The three complaints received in 1998 against the Business Development Bank of Canada in Edmonton dealt with the Bank's failure to advertise in the minority language press. The Bank acknowledged that this was an oversight on its part and had other announcements published as part of the same advertising campaign in *Le Franco*, the weekly serving Alberta's French-speaking community.

There is still much to be done before Francophones at Canadian Forces Base Cold Lake have access to the services to which they are entitled as an integral part of living arrangements for families of Base personnel. Social and educational psychology services provided by specialists are lacking in French. The only French-language courses available in this area are those of the Medley Family Community Social Services. Only the nursery school and the Catholic church offer activities in French. We intend to review French-language services at the Base in 1999 so as to pinpoint the shortcomings more precisely and to formulate recommendations to the Department's officials.

For the first time since the coming into force on December 16, 1994 of the regulations covering services provided to the travelling public by third parties under contract we have received complaints against a carrier other than Air Canada. Under these

regulations companies such as Canadian International that are providing services under a contract must offer these services in both languages. The breach took place in Calgary, where Canadian International's boarding announcements were made in English only. It was the Airport Authority's opinion that we should deal directly with the air carrier. Our regional office reminded the Airport Authority of its official language obligations with regard to contracted services for which it is responsible. The Airport Authority has the duty to ensure that the requirements set out in the regulations are respected by third parties.

We must recognize the efforts made by the Edmonton office of Revenue Canada. In 1997 the complaints filed against this office dealt mainly with inequality of the service available in the two official languages to members of the public calling the general inquiries number. The steps taken by the Department seem to have corrected the situation and no complaints were received during tax return time in 1998.

## BRITISH COLUMBIA

Once again education was at the forefront of the concerns of British Columbia's Francophone community. On March 27 the legislature approved an order in council extending the jurisdiction of the Conseil scolaire francophone to the entire province, something the Association des parents francophones de la Colombie-Britannique had sought for a considerable time. On July 1 the regions of Central Okanagan, Sunshine Coast, Powell River, Howe Sound, Prince George, Nanaimo-Ladysmith, Qualicum and the Comox Valley were placed under the CSF; the remaining regions will be added on July 1, 1999. As pointed out in an APFCB press release at the time, it is "another step in the right direction." However, according to APFCB president Daniel Le Scieller, extension of the CSF's jurisdiction "gives the Conseil greater responsibility but without solving the fundamental problem of school facilities and resources." (*Our translations*).

Francophone parents were therefore back in court in September seeking to bring the School Act more fully into line with Section 23 of the Canadian Charter of Rights and Freedoms. The Fédération des parents francophones de Colombie-Britannique (formerly the APFCB) and the Fédération des francophones de la Colombie-Britannique (FFCB) were seeking adequate funding for the CSF as well as an arbitration mechanism which would resolve such issues as the rental of school facilities and funds for capital development.

As an intervenor in the court case the Commissioner made representations related to Section 23 of the Charter and provided a number of examples of dispute resolution mechanisms in use in Manitoba and Ontario.

The judgment of Mr. Justice Vickers, released in November, declared that British Columbia must enact provisions, by legislation or regulation, creating a conflict resolution process to



address any dispute that may arise in the implementation and operation of the transfer of assets, the co-management of shared assets, lease negotiations of any facilities that are not transferred and any other dispute that may arise between the CSF and a majority school board. The parties to be involved in this conflict resolution process were defined by Mr. Justice Vickers to be the CSF, any majority school board and appropriate representatives from the Ministry of Education.

Meanwhile the Conseil scolaire francophone, which was formed under a regulation of the School Act in July 1995, continued its work of setting up a Francophone education system. As a follow-up to its strategic plan, "Towards the new millennium 1997-2001", developed in 1997, the Conseil prepared a Capital Plan this year following community consultation.

Among the elements identified in the Capital Plan as essential to the Francophone program are daycare and preschool services, bus transportation, an English Language Arts program from grade 4 to grade 12, state of the art technology courses and parent and community involvement. An important feature of the Capital Plan is the proposed building in 1998 of a new kindergarten to grade 12 school to serve Francophone students residing in Vancouver, Burnaby East and West and Richmond. The new facility, which will replace École Anne-Hébert, École Rose-des-vents (annex) and the Kitsilano Secondary program, will accommodate up to 800 students. In early October, the CSF acquired new sites for the building of schools in Coquitlam and Surrey and it is currently seeking properties in Prince George and Nanaimo.

The CSF's mission will be interpreted at the local level through School Improvement Plans (SIPs) prepared by parents, students, educators and the local community. The school communities of École Brodeur in Victoria and École La Vérendrye in Chilliwack have already brought out plans which identify the values and basic requirements necessary for the development of a young Francophone. Eventually each Francophone school will develop its own SIP; over the 1998-99 year the CSF supported communities in Comox-Courtenay, Surrey, Powell River and Kelowna in implementing these plans.

On February 7 the Conseil approved the creation of full-day kindergarten classes at each school under its jurisdiction, starting in September 1998. This decision followed a report on two pilot projects, one at École André-Piolat in North Vancouver, the other at École North Poplar in Abbotsford, entitled *La maternelle à temps plein: On y gagne tous* (Full-Day Kindergarten: Everybody Benefits!). The report outlines the clear advantages accruing to children when they are in a Francophone setting for the entire day.

Plans for school and community centres are continuing apace in Prince George, Kelowna and Victoria.

With *Une place à prendre — Une identité à affirmer* (A place to take, an identity to assume) as their theme the participants in the 53rd general assembly of the FFCB, held in June, discussed

several issues, including the Canada-Community agreement which comes to an end in 1999. Diane Côté, President of the FFCB, summarized the views of all the Francophone associations in the province: "The federal government must make available to our community program and development budgets that will enable us to consolidate the gains made possible with the signing of the last agreement." (*Our translations*)

In June, in a brief to the Task Force on the Impact of Government Transformations on the Official Languages Program, the FFCB outlined the effects of the various programs in this area on the development of their community. The Fédération noted that reductions in human resources were made without special consideration for their impact on the capacity of a department to respond to its linguistic requirements, and announced its intention of proceeding with another audit in 1999 of service in French at federal offices designated bilingual and of seeking legal redress against offices which are unable to deliver service in French. A verification of designated bilingual offices undertaken by the FFCB in 1997 showed that 22% of the offices could not meet their linguistic obligations.

The brief pointed out that in cases where services were privatized or devolved to other levels of government the situation is not only less satisfactory but remedies are less available. As well, although a certain improvement was noted this year in some departments' actions under Part VII of the Official Languages Act, the Fédération felt that "after nearly four years of implementation of the policy announced by Prime Minister Chrétien the results are slow to appear." (*Our translation*). They concluded that a framework and time-frame for firm implementation of the Act were necessary.

In October the President of the FFCB took advantage of pre-budgetary consultations held in Vancouver to stress the importance of a new commitment by the federal government to the official language minority communities. Taking into consideration the many needs of the Francophone community, Mme. Côté made the following recommendations to members of the Standing Committee of the House of Commons on Finance: that initiatives brought forward by the Minister of Canadian Heritage be looked on favourably by the Cabinet and that they receive the funds required for their implementation, and that funds for the Official Languages in Education Program be increased so that the Government of Canada fulfils its commitments under Section 23 of the Canadian Charter of Rights and Freedoms. Mme. Côté ended her presentation by telling the committee, "What we are asking for is an investment in the human capital of French-speaking Canada. The dividend we will reap from this is a society which respects the cultural and linguistic differences that contribute to our growth and development." (*Our translation*).

In June Ronald Duhamel, Secretary of State for Western Economic Diversification, announced that his department would contribute to the financing of the Société de développement économique newly created by the FFCB. The mission of this cor-

poration is to become a key player in the development of the Francophone community of British Columbia.

In July a new French newspaper, *L'Express du Pacifique*, was launched by Centre culturel francophone de Vancouver, filling the void left when *Le Soleil de Colombie-Britannique*, the province's only French newspaper at the time, shut down in April after 30 years in print, due to financial problems. As the editor explained in the new paper's first edition, starting a newspaper was not an easy decision but in recent years the Centre culturel francophone de Vancouver has invested considerable energy in developing cultural programming for the general public through such activities as the Festival d'été, the Coup de coeur francophone and the Nouvelle Scène events and it is absolutely essential to attract the public. "Our greatest fear was that of being deprived of a French-language newspaper for a prolonged period of time." (*Our translation*)

The Centre culturel français de l'Okanagan celebrated its 20th anniversary by organizing a number of events including an exhibition of contemporary art by local French-speaking artists.

The ninth Vancouver Francophone summer festival featured great names in music and celebrated artists who appeared throughout the Vancouver area. The major star of the festival was Jean Leloup, the Quebec singer-storyteller, who appeared on June 13. Many French-speaking artists from British Columbia also performed, including Isabelle Longnus, the group Ti Rabzy, the Léoni choir, Alpha Yaya Diallo and les Cordes en folie.

In October a Francophone job assistance centre opened in Victoria with the help of \$100,000 from Human Resources Development Canada. While many French-speaking residents have already come to the centre the first task, according to the executive director, is to identify businesses needing bilingual staff.

The Francophone community of British Columbia has become the third largest outside Quebec after those of Ontario and New Brunswick. Statistics Canada data from the 1996 census indicate that there are now 57,000 British Columbians who have French as their mother tongue, an almost 10% increase since 1991; the Francophone community in Alberta, numbering 55,000, is next in size.

#### Federal services

In 1998 the number of admissible complaints in British Columbia decreased to 50 from last year's 83. This is due in large part to the fact that last year's figure included numerous complaints filed by the Fédération des francophones de la Colombie-Britannique following its audit of the availability of services in both official languages throughout the province. No such study was done this year. All of the FFCB complaints have been investigated and resolved. However, at the time of writing some follow-ups remained to be completed by our Office in cases where there

were corrective measures to be taken involving staffing actions or changes to telephone directory listings.

The accuracy of the Treasury Board Secretariat's lists of offices designated to provide services in both official languages has been an ongoing concern. These lists are an important source of information for the official language minority communities. Among the problems faced by clients was one brought to our attention in October. In this case a federal office had relocated more than two years ago but was still listed under the old address even though the Department had informed TBS of the change.

Although Human Resources Development Canada was the subject of a number of complaints this year the Department took significant steps to review and revitalize the provision and active offer of services in both official languages in British Columbia. A case in point is the Human Resources Centre on 10th Avenue East in Vancouver which was designated as the bilingual office for Metro Vancouver last year to replace the previously designated Sinclair Centre office. A special committee was formed at this office to review the quality of service in both official languages. As a result, internal signage, including electronic signs, was reviewed, active offer signs were prominently displayed and bilingual employees were assigned so as to serve clients better in both official languages. Our spot checks have confirmed positive improvements at this Human Resources Centre. Service in both languages has now become a permanent item on the agendas of supervisors' meetings. Moreover, language of service is considered an integral part of quality service to the public and is discussed regularly by managers at meetings with HRDC personnel in other offices.

We were somewhat surprised this year to receive a number of complaints concerning lack of service in French at the Revenue Canada office on Pender Street West in Vancouver. This office has been a model of service in past years. In keeping with its ongoing commitment to service in both official languages management reviewed the problems revealed by the complaints and took the necessary corrective measures.

Canada Day was not celebrated without incident in Metro Vancouver this year. Although English and French programs of events were produced, we received a complaint against the Department of Canadian Heritage from a visitor stating that volunteers distributing the programs had copies in English only. It is essential that Canadian Heritage continue to ensure that Canada Day organizing committees understand the symbolic and practical importance of using our two official languages for this national celebration.

A visit to the Esquimalt Canadian Forces base near Victoria revealed that there are still problems with the provision of services in French to families of military personnel. French-speaking dependents still do not have access, without additional cost, to various services in French such as those provided by counsellors and social workers. We will pursue the matter with National



Defence to ensure that Francophones have access to social services in their preferred language without extra expense.

We received complaints against the Vancouver Airport Authority again in 1998. These concerned lack of service in both official languages at one of its information centres, English-only announcements at Canadian Airlines' boarding desk and unilingual pre-boarding announcements made by the same airline. The question of unilingual announcements made by Air Transat was also raised by a complainant. We have been pursuing our investigation of complaints concerning the airport's *Skytalk* publication for some time. This issue was referred to the Treasury Board Secretariat for clarification of official languages obligations.

In last year's Annual Report we noted that the Vancouver office of Veterans Affairs did not serve veterans in French because it considered that few of them preferred to be served in that language. This left the impression that the Department was not complying with the Act in this respect. In fact, Veterans Affairs is not required to serve veterans in both official languages at the Vancouver office because the demand for service in French, as determined in accordance with the official languages regulations, falls below the numerical criteria.

## **YUKON**

The Franco-Yukonnais community's newspaper, *L'Aurore boréale*, published a report card in a September issue evaluating the services offered in French by the Yukon government and the progress made in this area over the last 10 years.

According to this informal report the government deserves a B+ average. It received good marks in the areas of education and justice but needs to improve its services in French in the Department of Health and Social Services.

The present situation in education, according to the newspaper, rates an A. The first French-language school board has been sworn in, all teaching activities at École Émilie-Tremblay take place in French, a bilingual superintendent is responsible for French-language services in the Department of Education, administrative communications between the Department and French immersion schools are in French, the French collection at the Whitehorse public library has been renewed and a computer to permit research in French has been purchased. It should be noted as well that a new building for École Émilie-Tremblay was opened officially in September 1996. The school board is confident that its modern, clean and healthy premises, a computer room with the latest technology and a modern gymnasium will be assets in promoting French-language education and increasing student enrolment.

The situation with regard to justice likewise rates an A. Since 1993 a number of trials, including jury trials, have been held in French in the Territorial Court and the Supreme Court; all documents were tabled in French and all communications with

French-speaking accused and witnesses were in French. A bilingual clerk provides a range of legal and para-legal services on a full-time basis, bilingual employees are available at the community correctional centre to relate to inmates there and the RCMP provides active offer of service in French.

In health and social services the present situation is only fair. Since 1993 a bilingual health services officer hired on a part-time basis has provided service in French and organized health promotion activities; since 1994 a bilingual social worker has provided a broad range of social services (but the position will have been vacant from April 1998 to April 1999); there is a half-time French services co-ordinator position at Whitehorse General Hospital (the position is for three years and is not permanent). A number of important shortcomings persist, however, at the hospital in particular.

Not all members of the community agreed completely with the newspaper's assessment. The Association franco-yukonnaise (AFY) felt that there should be a lower rating in education; and while they essentially agreed with the rating of the government's services in the health sector, they criticized the article for failing to deal with the devolution of health services from the federal government and the lack of a precise and effective guarantee to preserve the rights they had to services in French when Health Canada managed the Whitehorse General Hospital, as well as the failure of the transfer agreement to preserve or recreate a mechanism of recourse and redress if such services are not received.

Yukon hosted the fourth conference on Francophone affairs on July 9 and 10. At the conference ministers responsible for Francophone affairs and French-language services discussed health care, economic expansion and transfers of responsibilities. The Leader of the Yukon Government, Piers McDonald, said that his government was sensitive to the health care needs of Yukon Francophones. He also acknowledged the problems being experienced by Whitehorse General Hospital in providing French services on a regular basis and in providing adequate interpretation services between physicians (specialists in particular) and patients. He said that his government was currently looking into the situation. There was general agreement on the importance of ensuring the availability of French-language services and of an effective recourse and redress mechanism when responsibilities are transferred from the federal government.

In recent years economic development has become a priority to the Association franco-yukonnaise. Their basic objectives are twofold: to promote entrepreneurship among Francophones and to develop new or enhanced economic activities within the organization.

The AFY has created marketing tools and is initiating activities that will offer entrepreneurs opportunities for self-advancement, networking and the sharing of their experiences as businesspeople. For the last six years the AFY has published a Directory of French Language Services which keeps expanding



every year. Francophone businesses in Whitehorse will soon be able to display their products and services on the Internet thanks to an AFY initiative.

In order to generate revenue which can be reinvested in the community the AFY has formed a company in 1996 called *Savoir Faire*, which in March launched *Évasion Nordik*, a subsidiary offering adventure tours in all seasons, in partnership with private Yukon businesses. The AFY is also exploring a link with *Ancient Voices*, a First Nations wilderness camp, which could offer tourists a first-hand contact with Aboriginal culture. Distribution of the game *Klondike*, developed by *Savoir Faire*, is expanding with the help of a partner in the Saguenay/Lac St-Jean and Beauce regions in Quebec and through the *Société de Maillardville* in British Columbia.

In March and June agreements were reached with the Department of Education for the funding of *École Émilie-Tremblay* and with the *Commission scolaire francophone du Yukon* covering the 1997-98 and 1998-99 school years. The school now has more freedom to choose books in French from French-language bookstores and not just from the Department's catalogue. The Commission becomes responsible for the costs of recruiting teaching staff and is entitled to a budget for this purpose. The Commission and the Department will together prepare funding requests for submission to Canadian Heritage. *École Émilie-Tremblay* has 111 students, 17 of whom are enrolled at the secondary level.

School transportation, consultation among community groups regarding education, a pre-kindergarten project and the viability of the secondary level of the French school were only a few of the many issues raised at the two annual general meetings of the *Commission scolaire francophone* which were held in February and September. There were two AGMs this year because financial records for the 1996-97 school year were not available until February 1998.

The *Association des partenaires de l'École française (APEF)* organized a colloquium early in May on the cultural development of pupils from early childhood to the secondary level. The aim of the conference was to raise the awareness not only of parents but also of all persons interested in French first-language education. Julie Harvey, President of the *APÉF*, commented afterward on the delicate balance to be achieved between ensuring a solid grounding in fluent French and an effective fluency in English.

French CBC radio has now been accessible in Whitehorse for over six years. At first the only available programming came from Montreal but in 1996 CBC Vancouver began to rebroadcast CBUF by satellite. After examining the results of a survey and a vote at an extraordinary general meeting in February the AFY decided that the French CBC signal in Whitehorse should come from CBUF-FM in Vancouver rather than from Montreal. However, the French CBC television signal is still not available free of charge in Yukon.

Other activities of note: the community celebrated the 15th anniversary of the newspaper *L'Aurore boréale* on March 26. The AFY organized a winter carnival with a sugar house, on the terraces and in the interior of the Elijah Smith federal building and the Frostbite music festival in Whitehorse, in which the Yukon Francophone group *Inconnu* participated, was well attended by the French-speaking community.

### Federal services

This year the number of complaints in Yukon decreased from 11 to seven. Most dealt with written communications between federal institutions and the public.

Our office investigated a complaint against Human Resources Development Canada which alleged that clients requesting service in French at the Human Resources Centre in Whitehorse were directed to an English-only voice-mail message. HRDC took immediate measures to correct the situation. Clients calling the Centre in Whitehorse are now automatically directed to a bilingual HRDC officer. If the officer is not immediately available clients can leave a message and their calls are returned promptly.

At the time of writing we were investigating a complaint against Canadian Heritage involving an association which had received a grant from the Department to organize Canada Day celebrations in Whitehorse. The association refused to consider a tender submitted by a Francophone association because it was presented in French. This is unacceptable. We understand it will be dealt with by the Canada Day Celebrations national committee; we will follow the situation closely.

A group of students from the *École Émilie-Tremblay* were given English certificates when they visited the National Historic Site, S.S. Klondike, which falls under the jurisdiction of Parks Canada. The certificate is now available in both official languages and copies were sent to the school. Our office is now investigating a second complaint alleging that a video was available only in English at S.S. Klondike. We expect that corrective measures will be put in place shortly.

We are pursuing an investigation concerning transfer agreements signed between Health Canada and the Yukon government concerning, in particular, the Whitehorse General Hospital. The complainant alleges that these accords do not guarantee the right of French-speakers to be served in French in Yukon and thus negatively affect the development of the Francophone community.

Our investigation revealed that the complaints were founded. Since March of this year we have been urging Departmental officials to put in place mechanisms to ensure respect for the language rights of the minority official language community in Yukon. Our office has proposed to Health Canada that a redress mechanism be instituted to examine complaints from clients who feel that the Whitehorse General Hospital has not respected their

right to service in their preferred official language. We also expect that Health Canada will include language clauses in contracts signed with third parties for the provision of health services on its behalf. It is our view, as well, that Health Canada must consult with the French-speaking community in Yukon as part of its annual plan.

At the time of writing the Department was opposing direct intervention on behalf of clients of the Whitehorse General Hospital. Health Canada had also failed to implement our proposals relating to the other two outstanding issues in this case. The Commissioner has made two recommendations to the Department regarding corrective action.

## **NORTHWEST TERRITORIES**

On April 1, 1999, Canada's Far North will consist of three territories: Yukon, the Northwest Territories and Nunavut. The creation of the new territory of Nunavut was an important consideration in the Francophone communities' deliberations this year.

At a planning meeting on May 23 and 24 representatives of the French-speaking communities of the Western Arctic adopted a five-year plan that identifies and evaluates the components of their development until 2004. All areas of activity were explored: community development, communications, education, representation, management and capital development. Objectives were developed in every area for each association and community, even small communities where there is still no association to serve French-speaking residents.

This 1999-2004 planning exercise took place in the new geopolitical context of the North and was particularly concerned with the French-speaking communities. In a press release about the planning meeting the Fédération Franco-TéNoise expressed the concerns of Western Arctic Francophones about their new situation once Nunavut is established in 1999. "The some one thousand Francophones in this region of the Far North will feel triply isolated: geographically, because they are scattered over an immense territory; ethnically, among a mosaic of cultures; linguistically, because nowhere is French the dominant language there, being in third place." (*Our translation*)

According to the planning document, which was released on October 30, the Francophone community continues to aim at full school governance. As we noted in last year's Report, Francophones have only partial management of the two French-language schools in the territories (in Yellowknife and Iqaluit) through two parents' committees, called conseils scolaires francophones, which report to English-language school boards. These conseils scolaires, which are school-based, have a number of duties delegated to them: to provide students with textbooks and other learning materials, to provide library, audio-visual and other resource materials and to develop and deliver (with the advice of education staff, parents, persons having rights under Section 23 of

the Charter and other community members) culture-based school programs in accordance with the requirements of the curriculum.

Full governance rights under Section 23 of the Charter appear, in theory, to apply only to a Commission scolaire francophone de division. While the Act does provide a mechanism for the creation of such a Commission scolaire, attainment of the prerequisite number of students (500) seems unlikely. Nevertheless, the Minister retains the discretion to establish such a Commission scolaire if other conditions (including a minimum of two conseils scolaires) are met. Two conseils scolaires have in fact existed since February 1996; however, Iqaluit is in the sector of the Territories that will become Nunavut.

The Francophone community is now focusing its attention on establishing a French first-language program in Hay River in September 1999 and with it a new conseil scolaire. It will then be the responsibility of these two bodies, and of the parents of each of these communities, to create a commission scolaire which could assume full governance of school programs and facilities.

The planning document also states that there is little chance that a French first-language instruction program will be introduced before 2004 outside Yellowknife and Hay River. The network of associations will therefore have to focus its efforts on the quality of the program offered in these two cities.

The President of the Commission scolaire francophone in Yellowknife, Jean-François Pitre, was happy to announce in August that Clark Builders had obtained the contract to construct the new École Allain-St-Cyr. This school will be able to accommodate 150 pupils from grades one to nine. Last June 62 pupils completed the school year. The conseil scolaire hopes that the construction of a new school will attract more students. "We will be able to open classes for grades 10, 11 and 12 if there is strong demand," said Mr. Pitre. (*Our translation*) The Plein Soleil daycare centre, which has had to move several times, will find a permanent home in the new school.

At the annual general meeting of the Fédération Franco-TéNoise on November 8 delegates came to an agreement on the division of the FFT's assets in anticipation of the creation of Nunavut and the splitting off the Association des francophones du Nunavut. It was decided that the general principle that "financial compensation corresponding, as of March 31, 1999, to 45% of the value of the assets of the Fédération Franco-TéNoise and its affiliates will be paid by the Fédération Franco-TéNoise to the Association des francophones du Nunavut" (*our translation*) would guide the actual handing-over of assets and a payment schedule was drawn up.

The FFT presented its members with a preliminary version of a brief titled *À l'aube de l'an 2000, le français dans les Territoires du Nord-Ouest* (At the dawn of the year 2000, French in the Northwest Territories). The final version of this brief is to be submitted to the territorial government. In it the FFT describes the progress of French-language services from 1984 to the present. It



concludes that "many measures have been adopted to date by the government to this end, indicating its generosity and integrity" but "much remains to be done." (*Our translation*) Included among the many recommendations made to the government are that regulations under the territorial Official Languages Act be developed, adopted and implemented, that the government create a languages office responsible for implementing the Official Languages Act and that the government provide funding for a forum on French in the Northwest Territories to be held by the FFT in March 1999. At its annual general meeting in November the FFT announced that it would undertake an audit of French services from the territorial government in November and December, the results of which will be reviewed at the Forum.

The Northwest Territories Literacy Council received 984 entries for the 1998 edition of its literary contest. According to the Director General of the Conseil this was one of the contest's best years in terms of participation. Entries were submitted in English, French, Inuktitut, Gwich'in, South Slavey and Dogrib.

In March the Nunavut Implementation Commission held a Language Policy Conference in Iqaluit. As the Chief Commissioner, John Amagoalik, notes in an introduction to the report on the conference, "Policies regarding the day-to-day use of language in the governance of Nunavut, including such matters as language use in the workplace, government communication practices, language use in service and program delivery, language use and instruction in schools, official regulation of language use in the private sector and a range of other language issues must all be integrated into a language policy that is linguistically sensible, socially progressive and fiscally responsible." The report lists 50 recommendations for consideration by the first Nunavut legislature. The Nunavut Implementation Commission has already recommended entrenching Inuktitut as the territory's official working language.

The Association des francophones du Nunavut presented a brief at the conference, titled Nunavut, the Wonderful Challenge. Speaking for the Association, Daniel Cuerrier told Inuit political leaders that the territory's French-speaking minority is their natural ally in the struggle to preserve their own cultural identity. "As a minority group in Canada, Francophones readily understand that a minority needs to fight in order to survive.... We believe that this expertise pertaining to linguistic and cultural struggles can prove useful to the future government of Nunavut."

The brief notes that while more than 10% of the population in Iqaluit is French-speaking it is difficult to obtain services in French and French schooling is unavailable at the secondary level. "A strong Francophone community can contribute in an essential manner to the betterment of this new territory," especially in opening links to French-speaking markets, the brief states.

Section 29 of the Nunavut Act states that on April 1, 1999, all laws of the present Northwest Territories will be inherited by Nunavut, and Section 38 says that if Nunavut wants to change the Northwest Territories Official Languages Act it will need the consent of Parliament, unless it is increasing rights and privileges.

### Federal services

The number of complaints filed against federal institutions in the Northwest Territories rose from two in 1997 to four in 1998. Three concerned the lack of advertisements in the minority language press. The departments involved were Fisheries and Oceans and Indian and Northern Affairs.

Revenue Canada's efforts to improve service in both official languages at its Yellowknife office deserve recognition. Service in French at this location was previously provided by means of administrative arrangements. Thanks to the diligent efforts of the Edmonton regional office, which was able to fill a bilingual position in Yellowknife, the French-speaking community in the Northwest Territories can now obtain better service in its language.

On February 27 a Canada-Northwest Territories Labour Market Development agreement was signed. The federal government's \$19 million contribution is to be spread over four years beginning in the 1998-99 fiscal year. To date the French-speaking community has expressed satisfaction with the French-language services provided under this agreement.

For the French-speaking community in the Northwest Territories the period preceding the creation of Nunavut in April 1999 is an important one during which it is essential to determine as accurately as possible the objectives of the Nunavut government with regard to official languages. This community was troubled by the publication of advertisements in English only by the office of the acting Commissioner of Nunavut. We are currently looking closely at this territory's obligations under the Official Languages Act.



## PART IV

**Table IV.1**  
Minority language education programs in public schools

Enrolment in programs designed to provide education in their mother tongue (English in Quebec and French elsewhere) to members of the official language minority groups, grades in which offered and number of schools where offered, for each province and territory, 1970-71, 1997-98 and 1998-99.

	Enrolment	Grades	Number of schools		Enrolment	Grades	Number of schools
<b>Newfoundland</b>				<b>Saskatchewan</b>			
1970-71	185	K to 10	1	1970-71	765	K to 12	12
1997-98 <sup>p</sup>	267	K to 12	5	1997-98 <sup>p</sup>	1,416	K to 12	17
1998-99 <sup>e</sup>	255	K to 12	5	1998-99 <sup>e</sup>	1,409	K to 12	17
<b>Prince Edward Island</b>				<b>Alberta</b>			
1970-71	796	1 to 12	7	1970-71	n.a.	n.a.	n.a.
1997-98 <sup>p</sup>	624	1 to 12	2	1997-98 <sup>e</sup>	3,033	K to 12	24
1998-99 <sup>e</sup>	620	1 to 12	2	1998-99 <sup>e</sup>	3,062	K to 12	24
<b>Nova Scotia</b>				<b>British Columbia</b>			
1970-71	7,388	P to 12	32	1970-71	-	-	-
1997-98 <sup>p</sup>	4,095	P to 12	21	1997-98 <sup>e</sup>	2,860	K to 12	54
1998-99 <sup>e</sup>	4,068	P to 12	21	1998-99 <sup>e</sup>	2,874	K to 12	54
<b>New Brunswick</b>				<b>Yukon</b>			
1970-71	60,679	K to 12	196	1970-71	-	-	-
1997-98 <sup>p</sup>	42,187	K to 12	109	1997-98 <sup>p</sup>	108	K to 12	1
1998-99 <sup>e</sup>	41,576	K to 12	107	1998-99 <sup>e</sup>	104	K to 12	1
<b>Quebec</b>				<b>Northwest Territories</b>			
1970-71	248,855	K to 11	519	1970-71	-	-	-
1997-98 <sup>e</sup>	100,551	K to 11	356	1997-98 <sup>e</sup>	80	K to 11	2
1998-99 <sup>e</sup>	100,184	K to 11	355	1998-99 <sup>e</sup>	80	K to 11	2
<b>Ontario</b>				<b>TOTAL</b>			
1970-71	115,869	K to 13	381	<b>1970-71</b>	<b>444,942</b>		<b>1,197*</b>
1997-98 <sup>e</sup>	95,026	K to 13	441	<b>1997-98<sup>p</sup></b>	<b>255,488</b>		<b>1,061</b>
1998-99 <sup>e</sup>	96,209	K to 13	446	<b>1998-99<sup>e</sup></b>	<b>256,056</b>		<b>1,064</b>
<b>Manitoba</b>							
1970-71	10,405	K to 12	49				
1997-98 <sup>p</sup>	5,241	K to 12	29				
1998-99 <sup>e</sup>	5,248	K to 12	29				

K Kindergarden  
P Primary  
p Preliminary figures  
e Estimated figures  
n.a. Data not available

\* Excludes Alberta, for which no figures are available.

Source: Statistics Canada, Centre for Education Statistics.

Please note that the figures provided for Quebec, Ontario, Alberta, British Columbia and the Northwest Territories are estimates for both 1997-98 and 1998-99. In all other provinces and Yukon, figures for 1997-98 are based on preliminary data and 1998-99 figures are estimates.



## SECOND-LANGUAGE INSTRUCTION: THE NEED TO BUILD ON SUCCESS

### NEW STUDIES IN EARLY LANGUAGE ACQUISITION

What is a more human characteristic than the capacity for language? The mysterious ability to interpret complex arrangements of words (or, in the case of sign language, gestures) is the subject of ongoing research. New discoveries about the ways in which the brain processes language continue to help us understand how we learn languages and how language students deal with exposure to more than one language at a time.

Earlier this year McGill university psychology professor Laura Ann Pettito released new findings that suggest that our ability to comprehend and manipulate language is governed by a part of the brain that is separate from the area that governs hearing and differentiating between sounds. With Robert Zatorre, a neuropsychologist at the Montreal Neurological Institute, Pettito compared language development in hearing children, deaf children and children being raised in bilingual homes with both a deaf and a hearing parent. She found that all three groups developed at a parallel rate regardless of whether their language skills involved spoken words or manual signs.

Pettito worked in the 1970s with Nim Chimsky, a chimpanzee that was taught to use sign language symbols. Her research proved that chimpanzees do not have the capacity to acquire language in the way that humans do. One of the most interesting implications of Pettito's life work is that she has shown that the human brain is most receptive to language learning early in life and that the patterns for language acquisition are also developed in the early years. As she told *The Gazette* last March: "The more languages you can expose your kids to early in life the better. The brain handles it with great agility."

University of Pennsylvania psychologist Lisa Gleitman reported to the American Association for the Advancement of Science in March that children seem to be born with an innate, natural ability to analyse and absorb language. At the same conference psychologist Peter Jusczyk of the Johns Hopkins University further explained that exposure to multiple languages during the first few years of life causes no difficulty for the child; children in multilingual environments simply learn several languages at once.



Results of English-language testing continue to show that French immersion students are quite capable of learning two languages at the same time. In the provincial report cards on English and French school districts released in January 1998 New Brunswick educators reported that students who take French immersion classes actually do better in English than those who receive less classroom exposure to their second language. Based on standardized testing at various grade levels and in various core subjects, the report cards found that students in the regular stream averaged 57% English proficiency compared to 82% for those enrolled in early immersion and 87% for late immersion students. To offer another example, English proficiency tests administered to immersion students at École St- Patrick in St. John's, Newfoundland, in February 1998 showed that these immersion students scored ahead of both district and provincial averages.

### SECOND OFFICIAL LANGUAGE EDUCATION POLICIES

Over the past 15 years provincial and territorial governments have made a lot of progress in entrenching second-language education policies in their official policies on education. The following timeline shows the development of official languages education policies over this period.

Year	Province/territory	Policy development
1983	Manitoba	A New Policy for Basic French establishes time on task for nine- and six-year French programs totalling 120 hours per year.
1984	Yukon	Policies and procedures for French immersion are released.
1986	Yukon	French second-language policies and procedures state that French second-language instruction will be available from grade 1 when requested.
1986	Ontario	A provincial policy makes French second-language education compulsory in grades 4 to 8.
1988	Alberta	The Language Education Policy for Alberta "encourages opportunities for all Alberta students to learn French by making available French immersion programs, French second-language courses and related courses."



1992	Newfoundland	The Royal Commission on Education report <i>Our Children, Our Future</i> proposes increased requirements for French second-language programs and a higher profile for French language teaching in the curriculum.	1998	Nova Scotia	An official policy for French second-language programs defines the four second-language programs available and establishes direction for all partners. Since 1997 compulsory French programs in grades 7 to 9 have been being phased in.
1994	New Brunswick	Education Policy 309 establishes guidelines for core French and immersion, including minimum instruction times and cuts the number of possible entry points into immersion classes from 18 to two. The policy is now under review with recommendations expected early in 1999.	1999	Prince Edward Island	A minister's directive will come into effect this year for time on task in French immersion and core French at Grade 7 to 9 levels. This will add to previously developed guidelines in elementary education.
1994	British Columbia	A Language Education Policy states that a second language is compulsory for all students in grades 5 to 8 except for certain students with special needs. In most cases the language of study will be French, although it may be Punjabi, Mandarin, Japanese, German or Spanish.	<b>OUR CHANGING POPULATION</b>		
1995	Manitoba	The Foundations for Excellence policy document establishes time on task for French second-language programs.	In the second half of the 20th century Canada has moved to address its two-language nature by seeking to raise a new generation of Canadians who can communicate with each other in either English or French. In the late 1970s and early 1980s, after the introduction of the promising French immersion model of language teaching, the focus of federal support for language programs shifted away from adult Canadians and towards the "youth option". The support of parents and the general public for French and English second-language programs bolstered gains in second-language enrolment at the elementary level through the 1970s, a growth that brought about a demand for qualified second-language teachers.		
1996	Northwest Territories	The Education Act of 1996 states that a second language must be offered from kindergarten to grade 12.	Now, with second-language programs entrenched in the standard curricula of most provinces and territories and with 2,700,000 of Canadian elementary and secondary students enrolled in French or English as a second language, has the plan been effective? To judge by the figures published by the respected Canadian researcher Stacy Churchill in his 1998 <i>Official Languages in Canada: Changing the Language Landscape</i> , it has been not only effective but dramatically so.		
1996	Manitoba	The immersion Curriculum Policy for the French Immersion program defines the program as one in which "all or a major portion of the courses...are offered in French, by teachers who are proficient in French..." and establishes three entry points as well as setting out the basic program requirements.	Churchill looked back to the proportion of Canadian teenagers between the ages of 15 and 19 who were bilingual in 1981 and compared it to 1996 figures. As he states: "The 1996 census returns show a totally unprecedented growth in the number of Canadians of English mother tongue who report they can speak French." The following chart, reproduced from Churchill's study, shows that almost a quarter of Canadians between the ages of 15 and 19 (24%) indicated in the 1996 census that they were bilingual as opposed to 17.7% in 1981. Most of the growth in bilingualism has occurred among Anglophones since English has long been a compulsory subject for Francophones in Quebec from grade 4 to the end of high school. Figures from some provinces show dramatic increases in bilingualism.		
1996	Quebec	The policy statement on education announces the possibility that students will start taking English as a second language from the third grade. Consultation is ongoing concerning the date and format of implementation. This policy statement also supports exploring innovative models for teaching English.	Churchill ends his discussion of Canadian language demographics on a highly positive note. Noting that research shows		

that younger Canadians “show high levels of positive attitudes towards the official languages...as compared to older generations” he asks: “Could one ask for better results from a ‘youth option’ in betting on future understanding between equal official languages communities?”

### THE YOUTH OPTION IN THE NEXT MILLENNIUM

Educational programs are having an effect and increasingly we are able to communicate with each other in both official languages. These trends, however, once begun, must be supported. Without adequate support second-language programs will wither. Just as the gardener must continue to water and fertilize the garden through the heat of the summer we must continue to develop and implement high quality second official language programs; if our program offerings do not adapt and grow we will lose what has been achieved. From curriculum development to teacher training to the exploration of new technologies and their use in the classroom we must ensure that money is available for all elements of program development.

If the quality of programs is allowed to erode student outcomes will drop as well. Unless parents perceive that their children are benefiting by their education they will not continue to enrol them in optional language programs such as French immersion nor will they exert themselves as they now do to support existing offerings.

Canadian language programs have been very much affected by the active vigilance and creative involvement of the parents who have devoted thousands of collective hours to bring about high quality opportunities for their children to learn their second official language. In fact, parents have been the engine that has driven much of the most exciting movement in this field. Their efforts must also be supported.

If the veteran parents' group Canadian Parents for French were actually a second-language student it would be off to college by now; this dynamic organization is more than 20 years old. Over the past two decades thousands of Canadian families have benefited by the group's activities in every province and territory. As a mature organization Canadian Parents for French has changed its focus according to changing needs. Progress has been made on the severe teacher shortages of the early 1980s; French immersion programs are in place in every province and territory. Now CPF is focusing on other issues. Some current initiatives include partnering with Francophone minority groups outside Quebec, an internal reorganization and planning for the future. This was the second year for CPF's annual essay contest (Proud of Two

Languages) for senior high school, a project designed to target students at a time in their education when French second-language learning opportunities are less rich than in the earlier grades.

At the same time, however, CPF has growing anxieties about the future, despite the fact that the made-in-Canada immersion program is a model to the world and builds bridges between Canada's two official language groups. Since 1992 there have been drastic cuts to the federal government's Official Languages in Education Program, which provides funding to provinces and territories to help with the costs of French second-language programs and minority language education. CPF has noted that the reduction in federal funding has already affected the stability and quality of French immersion and core French programs across the country; further cuts will do serious damage. CPF is also concerned that French second-language programs do not yet have a secure and permanent place in the Canadian education system despite public support and the success and benefits of these programs.

A much younger parents' organization is Quebec's Parents pour la promotion de l'apprentissage de l'anglais, langue seconde (PPAALS). This organization, strongly encouraged by the Commissioner, was formed a few years ago by parents who want their children to be equipped with the English second-language skills they will need in the 21st century. Since its creation PPAALS has united parents to promote high quality English teaching in Quebec. The organization is also becoming an effective clearing house for information on the subject of ESL pedagogy and is creating a presence for itself on the Internet to make information even more accessible to parents.

**Table V.1**  
Percentage of bilingual teenagers (ages 15-19) 1981 and 1996\*

Year	1981	1996
Canada	17.7	24.4
Newfoundland	4.2	11.2
Prince Edward Island	8.7	23.5
Nova Scotia	9.4	18.8
New Brunswick	29.2	49.3
Quebec	32.4	41.9
Ontario	15.2	20.2
Manitoba	9.9	18.0
Saskatchewan	5.7	10.7
Alberta	8.0	13.6
British Columbia	8.3	14.3
Yukon	10.3	18.2
Northwest Territories	3.8	7.8

\* Statistics Canada, Census of Canada, 1981 and 1996. Reprinted from Churchill, S. (1998). *Official Languages in Canada, Changing the Language Landscape*. Ottawa: Canadian Heritage.

## REGIONAL ROUNDUP

## Newfoundland

Canada's easternmost province went through an historic change in its educational infrastructure in January 1998 after the House of Commons voted to change Term 17 of the Terms of Union, thus eliminating denominational schools. The process began in 1995; now, under the newborn Newfoundland Schools Act, non-denominational school boards are being set up.

Four schools are currently involved in a research project on intensive French. This option is modelled on Intensive English programs in Quebec. Grade 6 students do core French from one-half to three-quarters of their school day for half the year and complete the remainder of the authorized curriculum in a compact format in the other half.

The Department of Education is developing a criterion-referenced test based on the Primary French Language Arts curriculum for administration to French immersion students at the end of grade 3. The instrument is scheduled to be field tested in June 1999 with initial administration to follow in June 2000.

Curriculum guides and related publications will soon be available on-line. There is currently a major initiative to provide recent publications to teachers and others via the Internet in portable document format (Adobe Acrobat).

## Prince Edward Island

The Atlantic provinces have collaborated to develop an outcomes framework for core French and are working on a foundation document for French immersion language arts. Prince Edward Island has been a partner in this process and will integrate the outcomes of these projects into the program development process.

The province is undertaking a review of grades 7 to 9 which will identify time on task for all subject areas, including core French and subjects taught in French within early and late immersion. Nationally, Prince Edward Island has participated in the development of assessment strategies projects for core French in co-operation with the Canadian Association of Second Language Teachers.

In 1997 the province's Eastern School District undertook a review of its immersion programs. It found that students "enrolled in immersion for a number of reasons, including to learn a second language, to have exposure to and learn to accept another culture, to prepare for the future, to seek challenge and enrichment, and to connect with a French-speaking background." Parent satisfaction with the programs was high. Among the study's recommendations were that the district enshrine its immersion programs in official policy, that minimum class sizes should be eliminated as one of several recommended measures to ensure equity of access and that existing programs should be made more consistent with one another.

A new ESL program is now being developed for the province's Francophone students, all of whom are enrolled in ESL as of grade 4.

## Nova Scotia

Extended core and immersion options are expanding in Nova Scotia; immersion is now offered in all six regional boards.

Nova Scotia's new French second-language education policy (discussed above) has encouraged school boards to develop their own policies. For example, in Halifax, which celebrated the 20th anniversary of its inaugural French immersion class this year, the regional school board tabled a plan to expand French programs. Under the proposal the minimum daily instruction time in some core French programs would rise from 20 to 30 minutes. Extended core French would continue to be available in designated schools from grades 7 to 12 while immersion programs would begin in certain schools in kindergarten — called "primary" in Nova Scotia — or grade 7.

The Halifax School Board also voted last May to change a policy that forced students to attend schools in their own neighbourhoods. The change allows students to attend immersion programs even though they do not live within the neighbourhood of the school offering the program.

In other developments, an Elementary Core French Curriculum Guide and a Junior High Core French Curriculum Guide are being developed and are scheduled for implementation in January 1999. The Atlantic Provinces Education Foundation has been working on a basic document for the French Language Arts course offered in immersion programs; it describes the philosophy and pedagogical principles underlying the teaching. It also outlines the program's key stage curriculum outcomes. The document is expected to be ready for validation early in 1999. Meanwhile, French immersion curriculum documents covering kindergarten to grade 6 and grades 10 to 12 were released in draft form in 1998. French second-language teachers participated in a number of summer institutes on mathematics, drama and co-operative learning.

## New Brunswick

As an officially bilingual province New Brunswick has two separate educational systems: one for Anglophones and one for Francophones. The province has undergone enormous changes over the past few years, including a complete redesign of the educational infrastructure that saw the transformation of the entire school board system. The new three-tier structure replacing the former school boards remains controversial because of the broad powers given to the Minister and the limited authority attributed to the parents. A test before the courts of the conformity of this division of powers to Section 23 of the Charter, originally suggested by the Commissioner, is still hoped for by many people.



New Brunswick continues to provide strong teacher support in the areas of French second-language and methodology training and student enrichment activities. In 1998-99 the province will review all FSL curriculum guides for grades 1 through 12.

Anglophone parents this year requested a review of the province's Policy 309, which states that there should be only two standard entry points for French immersion programs: "early" (kindergarten/grade 1) and "intermediate" (grade 5 or 6). The parents would like to see a "middle" entry point (grade 4) available as well. The middle immersion option has been available in some schools but is being phased out this year in line with ongoing curriculum revision. However, Policy 309 is now under review; the results are expected to be announced early in 1999.

English is compulsory for Francophone students in grades 4 to 10 and is offered as an option in grades 11 and 12. In practice, ESL is taught to Francophones from grade 3 in four school districts and from grade 5 in one district. ESL has been declared a priority over the next three years. The program will likely be re-oriented in view of the gradually evolving needs of learners; program revision started officially in 1998 and is scheduled to be completed in the elementary system by 1999 and in the secondary system by 2000.

For New Brunswick's ESL program 1997 and 1998 were years of consolidating the changes brought in over the course of 15 years of experimentation and in particular since 1992. The 1998-99 school year will be eventful because the province is reviewing ESL in view of curriculum revision and the development of new resources and training and possible policy developments.

New Brunswick has a mandatory province-wide examination for ESL students at the grade 10 level. The 1998 results show high levels of success for both "A Track" ("Voie A") students, who live in linguistically homogeneous areas, and "B Track" ("Voie B") students, who live in bilingual areas where they receive a high degree of exposure to English outside the classroom.

## Quebec

Quebec offers French as a second language programs for Anglophone students and English as a second language programs for Francophone students. The province has undertaken a major educational reform that affects not just the curricula but the entire education system. It is also worth noting that the restructuring of the school boards — in which confessional boards were replaced by linguistic schools boards — has reduced their number from 156 to 72: 60 French-language boards, nine English-language boards and three with special status.

In the wake of the reform under way a document made public in October 1997 described the departmental orientations that had served as guidelines in the move from a focus on providing

access to education to the greatest number of students to a focus on ensuring the success of the greatest number. One of the orientations mentioned in the education policy statement *L'école, tout un programme* concerned second and third languages. It indicated that these would be encouraged given the reality of linguistic duality in the North American context and the phenomena of globalization and global communications.

In the English-language school system, where French is obligatory throughout primary and secondary school, a new, skills-based French as a second language program is being prepared. A specific program for immersion classes is also being developed in conformity with *L'école, tout un programme*.

The French as a second language program for students in the core program and for those in immersion classes will be implemented in first-level primary school classrooms in September 1999. Teachers and education consultants are represented on the drafting committees and are thus helping to write the core and immersion French as a second language programs.

According to the education policy statement the teaching of English as a second language will begin earlier in primary school, i.e., in the third year. The educational community will be encouraged to explore different organizational models for English as a second language and to adopt innovative teaching practices in order to promote learning that is more attuned to public expectations in this regard.

A new, skills-based English as a second language program is being prepared.

The priority for this year was designing the programs. It should be noted, however, that an Internet telecollaboration project has been set up through the Quebec English Schools Network. This network for sharing experiences is addressed directly to French as a second language teachers.

A self-teaching manual on communication and information technologies has been designed for primary and secondary school teachers.

It is also worth noting that Quebec is starting the third year of an action plan on the use of new information technologies in school.

## Ontario

Ontario is well into a sweeping reform of its education system. Under Bill 160 the local decision-making power of individual school boards has been reduced. In March the province announced its new education funding structure, which will see each school receiving "foundation" grants based on the number of students.

Certain programs, such as special education, will receive additional funding; language programs are included among the nine "special grants". Schools will receive additional budget

money according to the numbers of students enrolled in core, extended French or French immersion programs as well as ESL, French first-language, Aboriginal and international languages. However, whereas funding continues for early French immersion programs, funding of core and extended French programs will not be provided for grades 1 to 3. Many parents expressed concern as some school boards moved to begin phasing out the earlier grades at once. However, in many areas, after a discussion of the issues, the boards have decided to keep the programs.

The new elementary core French curriculum for grades 4 to 8 was released in June. New core, extended and French immersion curricula for high school are scheduled to be released in two stages, with the grades 9 and 10 components available in early 1999 and the grades 11 and 12 components available in 2000.

### Manitoba

Manitoba's Bureau de l'éducation française (BEF) has collaborated with the Canadian Association of Second Language Teachers in the development and piloting of the Pan-Canadian Formative Assessment Kit at the beginner level for French as a second language. The kit (a CD-ROM and a binder) has just become available.

The BEF has also collaborated with the Canadian Association of Second Language Teachers on developing a Pan-Canadian Formative Assessment Kit for advanced FSL and is now piloting it. The final document will be available in the fall of 1999. The BEF is also developing a Basic French Distance Education course for senior 3 high school level as a continuation of the senior 1 and 2 levels currently in use.

Also in collaboration with the CASLT the BEF has developed a Pan-Canadian Technology Project for FSL that has resulted in the creation of a website containing interactive, curriculum-based, computer-mediated student activities. The integration of new technologies into the teaching of FSL has been facilitated by a variety of initiatives, including participation in the CASLT National Symposium, the development and evaluation of software and the creation and piloting of Internet student activities.

There has been a lot of activity in immersion education. New curriculum-related documents have been developed for kindergarten to grade 10 FSL/Immersion. These documents present learning outcomes, teaching strategies and references to learning resources. The Education Faculty of the Collège universitaire de Saint-Boniface, the Department of Education and the Canadian Association of Immersion Teachers have participated in preliminary discussions involving the development of a second video relating to teaching strategies. In the spring of 1999 standard tests for grades 3 and 6 immersion will be implemented. Pilot tests are now being developed for the senior 1 high school level.

### Saskatchewan

French immersion enrolments are dropping slightly in Saskatchewan.

Access is now being provided to core and immersion curricula and support documents through the Saskatchewan Department of Education website at <http://www.sasked.gov.sk.ca/bmlo/>. All French second-language curricula are at the stage the Department calls "actualization" or "continued enhancement", under the province's philosophy of the "Evergreen Curriculum". The concept refers to the "evergreening" or continuous enrichment of the curriculum to sustain the most effective possible implementation.

A new grade 10 French curriculum was introduced this year. Ironically, under the new guidelines students of the immersion stream could graduate without enough English language arts to enter into undergraduate programs. It is expected, however, that the universities of Saskatchewan and Regina will change their admission requirements.

In northern Saskatchewan Cree or Dene are increasingly likely to be chosen as the second-language offering, partly in order to help preserve these languages from extinction.

### Alberta

In Alberta, where 1997-98 enrolments in French immersion have risen slightly, a renewal of interest seems to be taking place, with a 16% jump in kindergarten enrolments at the beginning of the 1997-98 year.

Alberta Education developed and published a complete audio/video and print course designed for French distance education. This course is meant for senior high school students taking French as a second language at the Intermediate 1 level. This distance education course, which is modular in design, systematically develops the four basic skills—listening, speaking, reading and writing. Based on a communicative/experiential approach, it transports students via video and audio support to a fictional French-speaking town called Villerocher to "live" with the Dupont family. Villerocher sets the stage for real and authentic communicative situations as students interact with a variety of characters in different contexts in order to request or provide information, to give or ask advice, to express needs, feelings or desires or to describe people, actions or events.

A distance learning course for Intermediate level 2 French is being prepared; it will consist of five learning modules dealing with themes such as "the work world", "travel" and "protecting the environment".

As of September an interactive Internet-based tutorial guide has been available to integrate technology into core French-language learning. "L'enseignement du français langue seconde assisté par ordinateur" is accessible at [www.2learn.ca/toile2/outilsprop.html](http://www.2learn.ca/toile2/outilsprop.html) in French. The site contains components such as

electronic tools for learning French, pen-pal contacts, teaching resources and French-language websites.

Alberta Education published a set of FSL placement instructions in December. These will help teachers assess oral and written production and will assist senior high schools in placing students in Beginning, Intermediate or Advanced FSL courses.

A set of assessment materials for French immersion teachers in mathematics, science and social studies has been published for grades 1, 2, 4, 5, 7, 8, 10 and 11. A Program of Studies specifically for French immersion kindergarten teachers has been developed and will soon be published.

Alberta Education supervised and co-ordinated the verification of students' and teachers' resources for the grades 4 to 6 French immersion mathematics program, based on the Western Canadian Protocol framework. These resources will be used in the four provinces and two territories belonging to the Western Protocol. In the spring Alberta Education published a revised K to 12 French Language Arts program, which was also based on the Western Protocol. The department has published six teacher support documents for immersion and French first-language science from grades 1 to 6, a student resource to support the teaching of Social Studies 30 and a French edition of the 22 career strands of the career and technology studies program, available at <http://ednet.edc.gov.ab.ca/learning/>.

Alberta Education will publish a series of documents, one per grade level, containing annotated samples of students' work and projects that illustrate a key objective or a group of objectives identified for each elementary grade in the revised French language arts program.

In partnership with a number of groups including the College of Alberta Superintendents, the Alberta School Boards Association for Bilingual Education, the Alberta Branch of Canadian Parents for French and the Faculté Saint-Jean of the University of Alberta, Alberta Education co-sponsored a French immersion symposium in November. This was a working conference designed for decision-makers in school districts now offering or considering French immersion.

### **British Columbia**

Over the past few years British Columbia has been working with a new language education policy, released in 1994. It states that a second language is compulsory for all students in grades 5 to 8, except certain children with special needs, beginning in September 1997. Previously, a second language was required only in grade 8.

The school board will choose the second language to be offered, which may be Punjabi, Mandarin, Japanese, German or Spanish as well as French. Core French will be the second language studied if a school board does not provide or specify an alternative.

While the effects of the policy will not be clear for a few years, enrolment in French as a second language in grade 5 increased from 37,131 in 1996-97 to 40,076 in 1997-98, the first year the policy was in effect.

Enrolments in French immersion increased this year with a growing number of immigrant children participating.

### **Yukon**

An in-depth review of French programs is being carried out. Meanwhile, a Working Committee was struck in the spring to study and review French second-language programming for grades 3 to 6. Eight schools are involved in a pilot project and major changes to some parts of these programs will likely be implemented in September 1999.

German and Spanish classes are offered to more than 175 students, while about 185 adults take advantage of French second-language conversation classes. A Yukon chapter of Canadian Parents for French, which had been inactive since 1991, was formed again in September.

### **Northwest Territories**

Under the 1996 Education Act schools in the Northwest Territories must offer a second language from kindergarten to grade 12. Since the introduction of the policy there has actually been a slight decrease in enrolments from kindergarten to grade 3; apparently there had been a perception that enrolment, not just availability, was obligatory before the policy came into existence. A two-day workshop on student assessment was offered to teachers in January.



Table V.2

## Second-language enrolments in public schools

		Total school population	Total second-language enrolment	FRENCH IMMERSION	
				Enrolment	Schools offering immersion
Newfoundland	1977-1978	156,168	67,791	95	3
	1997-1998 <sup>p</sup>	101,608	57,723	4,531	44
	1998-1999 <sup>e</sup>	97,926	55,180	4,332	42
Prince Edward Island	1977-1978	27,628	16,495	541	7
	1997-1998 <sup>p</sup>	24,213	14,202	3,228	26
	1998-1999 <sup>e</sup>	24,017	14,119	3,209	26
Nova Scotia	1977-1978	198,097	88,991	127	3
	1997-1998 <sup>p</sup>	160,909	88,909	12,213	109
	1998-1999 <sup>e</sup>	162,366	88,415	12,158	108
New Brunswick <i>Students taking English as a second language</i>	1977-1978	60,679	n.a.		
	1997-1998 <sup>p</sup>	42,187	28,417		
	1998-1999 <sup>e</sup>	41,576	28,005		
New Brunswick <i>Students taking French as a second language</i>	1977-1978	101,550	70,629	3,179	34
	1997-1998 <sup>p</sup>	89,441	71,320	20,968	121
	1998-1999 <sup>e</sup>	87,778	70,368	20,683	119
Quebec <i>Students taking English as a second language</i>	1977-1978	1,260,983	678,664		
	1997-1998 <sup>p</sup>	919,069	582,379		
	1998-1999 <sup>e</sup>	916,682	576,060		
Quebec <i>Students taking French as a second language</i>	1977-1978	207,230	17,754 <sup>1</sup>	17,754	n.a.
	1997-1998 <sup>p</sup>	100,551	37,429 <sup>1</sup>	37,429	160
	1998-1999 <sup>e</sup>	100,184	37,384 <sup>1</sup>	37,384	160
Ontario	1977-1978	1,950,308	883,269	12,764	160
	1997-1998 <sup>e</sup>	2,093,881	1,172,993	153,298	1,067
	1998-1999 <sup>e</sup>	2,123,100	1,187,619	155,178	1,080
Manitoba	1977-1978	221,408	85,619	1,667	13
	1997-1998 <sup>p</sup>	192,212	93,479	18,133	100
	1998-1999 <sup>e</sup>	197,213	93,543	18,143	100
Saskatchewan	1977-1978	216,248	53,804	407	2
	1997-1998 <sup>p</sup>	192,413	98,381	9,444	71
	1998-1999 <sup>e</sup>	194,779	97,942	9,400	71
Alberta	1977-1978	439,804	111,338 <sup>2</sup>	n.a.	n.a.
	1997-1998 <sup>e</sup>	530,570	161,838	26,766	172
	1998-1999 <sup>e</sup>	539,620	163,647	27,043	174
British Columbia	1977-1978	527,769	161,110	1,301	15
	1997-1998 <sup>p</sup>	615,522	279,953	28,765	226
	1998-1999 <sup>e</sup>	621,788	281,996	28,928	228
Yukon	1977-1978	5,394	2,285 <sup>2</sup>	n.a.	n.a.
	1997-1998 <sup>p</sup>	6,370	4,021	425	2
	1998-1999 <sup>e</sup>	6,215	3,877	409	2
Northwest Territories	1977-1978	12,717	3,200 <sup>2</sup>	n.a.	n.a.
	1997-1998 <sup>e</sup>	17,534	3,332	483	5
	1998-1999 <sup>e</sup>	17,495	3,340	484	5
TOTAL	1977-1978	5,178,753	2,240,949 <sup>3</sup>	37,835	237
	1997-1998 <sup>e</sup>	5,087,106	2,665,959 <sup>3</sup>	315,683	2,103
	1998-1999 <sup>e</sup>	5,133,662	2,707,814 <sup>3</sup>	317,351	2,115

<sup>1</sup> Includes only French immersion students.<sup>2</sup> French immersion not included since it is not available.<sup>3</sup> Includes, for Quebec, students taking English as a second language and students enrolled in French immersion**Note:** Elementary is K-6 for all provinces (levels have been converted to match international ones); secondary is the remaining grades.







## THE COMMISSIONER'S OFFICE

There are now 126 full-time equivalents at the Office of the Commissioner of Official Languages to assist the Commissioner in carrying out his mandate of protecting the linguistic rights of individuals and groups in Canada and evaluating the linguistic performance of federal agencies. Like the Auditor General and the Chief Electoral Officer, who must be at arm's length from government, the Commissioner reports directly to Parliament. The Commissioner has only the power of recommendation but may apply to the courts on behalf of a plaintiff who wishes him to do so.

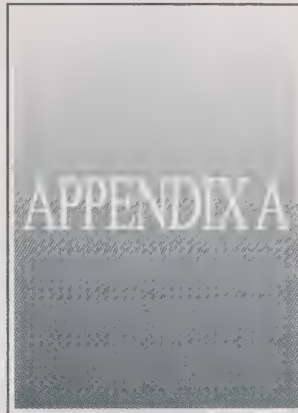
The Office of the Commissioner reorganized one of its branches in 1998 in order to streamline operations. The Corporate Secretariat and Regional Operations Branch was divided into two entities, creating the Regional Operations and Communications Branch and the Commissioner's Office.

The Investigations Branch handles complaints filed against federal institutions, makes appropriate recommendations and monitors the implementation of required corrective measures. In addition to special studies on institutional problems and the difficulties relating to the acceptance and implementation of the Official Languages Act it monitors the linguistic activities of some 150 federal institutions and conducts linguistic studies and

systematic follow-ups. It co-ordinates, with the administrative authorities responsible for institutions, actions aimed at resolving problems in the implementation of the Act.

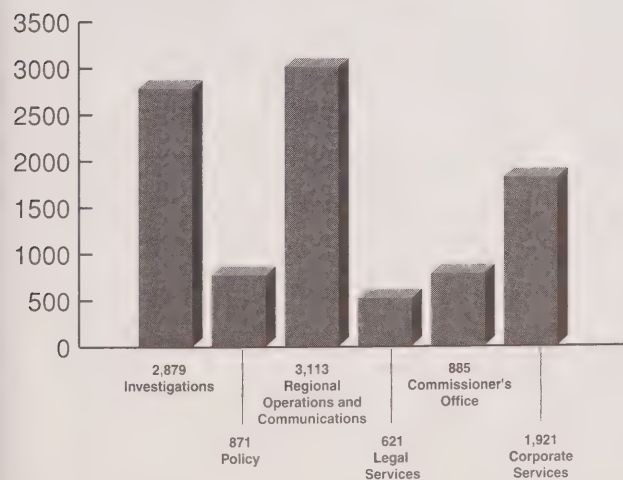
The Policy Branch provides the Commissioner with advice, studies and analyses on the linguistic aspects of the current political and social environments. It also provides liaison with central agencies, parliamentary committees, national minority associations and educational institutions. It advises the Commissioner on intervention strategies and policies relating to national and international issues. The Branch drafts a large part of the Annual Report and supplies the material required for drafts of speeches and for statements by the Commissioner, suggests replies to correspondence and manages the library.

The Regional Operations and Communications Branch plans and co-ordinates the services delivered by the offices of the Commissioner in each region of the country. Each of the five regional offices is managed by a representative of the Commissioner and provides a regional presence on his behalf. Each regional team monitors the linguistic trends in that region and co-ordinates a multitude of information activities for the official language majority and minority communities in order to increase public understanding of the Act, of the role of the Commissioner and of the fundamental importance of linguistic duality in Canada. Regional offices investigate more than half of the



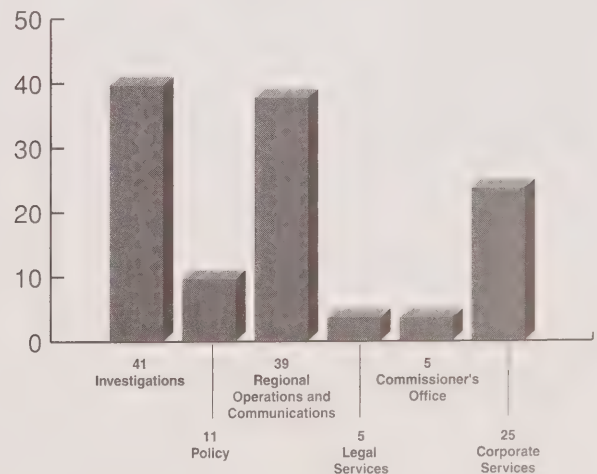
### Office of the Commissioner of Official Languages

Budget (\$000), 1998-99 (10,290)



### Office of the Commissioner of Official Languages

Full-time equivalents, 1998-99 (126)



complaints filed with the Office of the Commissioner, respond to requests for information, take part in investigations, conduct follow-ups and special studies and inform federal public service managers of their institutions' rights and obligations.

The Branch also organizes meetings between the Commissioner and authorities of the provinces and territories, official language minority communities and various organizations, especially in the fields of education and health.

In addition to responding to inquiries from the media the Branch provides advice and communication strategies to the Commissioner and other sectors of the Office of the Commissioner in order to effectively position the Commissioner and his Office on the Canadian linguistic scene and to disseminate useful information to the various target audiences. It is responsible at head office and regionally for developing and producing the Annual Report and the information bulletin "Infoaction".

The Legal Services Branch provides legal advice on all matters related to the Commissioner or to the smooth operation of the Office of the Commissioner, especially with regard to interpretation of the provisions of the Official

Languages Act, the official languages regulations and the Canadian Charter of Rights and Freedoms in matters of official languages. It also represents the Commissioner in various legal proceedings in which he is involved and maintains close ties with major jurists' associations.

The Commissioner's Office plans, co-ordinates and manages the Commissioner's agenda and interventions with decision-makers, official language communities, the public in general and members of the Senate and the House of Commons.

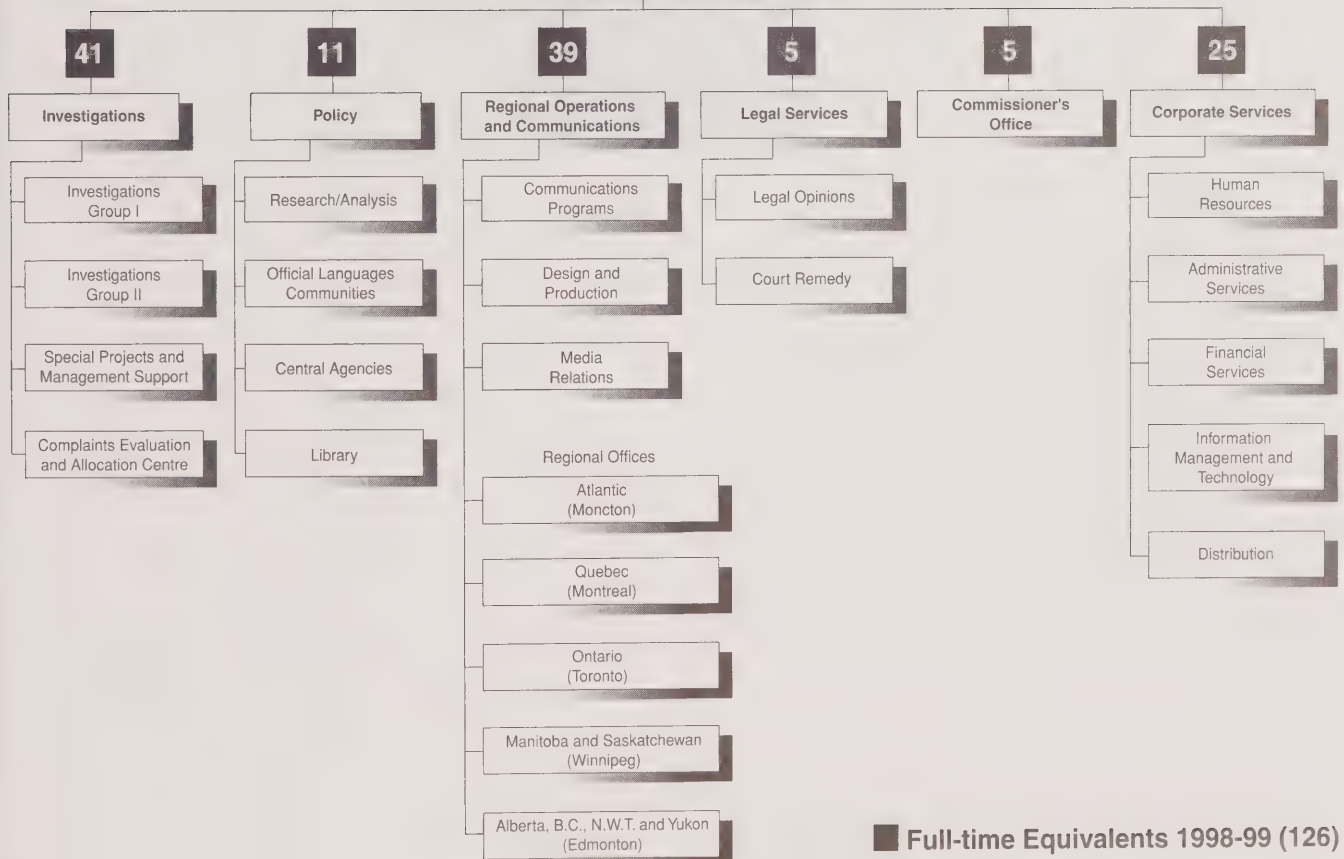
The Corporate Services Branch assists in carrying out the activities and operations of the Office of the Commissioner of Official Languages by providing advice, services and strategic direction in human resources management, financial management, information management, administrative services and distribution of information products to the public. It liaises with the central agencies regarding compliance with the administrative, financial and regulatory requirements for reports and records of central agencies and Parliament alike.

# Office of the Commissioner of Official Languages Organization Chart



## Parliament of Canada

### Commissioner of Official Languages







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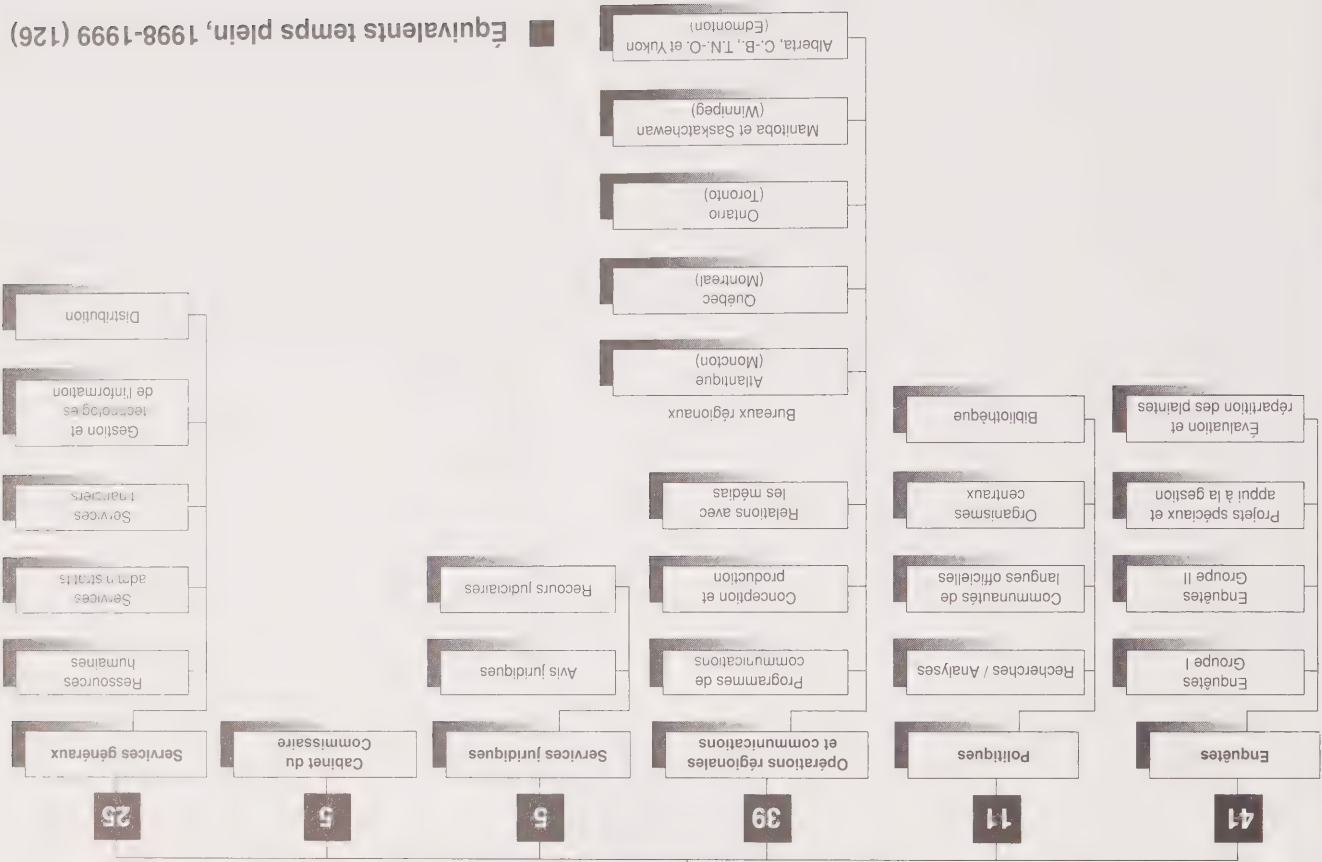


# L'organigramme du Commissariat aux langues officielles



## Parlement du Canada

### Commissaire aux langues officielles





Commissariat, répondent aux demandes de renseignements du public, participent aux enquêtes, effectuent des suivis et des études spéciales, et renseignent les cadres de la fonction publique fédérale sur les droits et les obligations de leurs institutions.

Cette direction organise aussi les rencontres du Commissaire avec les autorités provinciales et territoriales, les communautés de langue officielle vivant en situation minoritaire et divers organismes, notamment dans les domaines de l'éducation et de la santé.

En plus de répondre aux demandes des médias, cette direction fournit des conseils et des plans de communication au Commissaire et aux autres secteurs du Commissariat afin de bien situer le Commissaire et son bureau sur la scène linguistique canadienne et de communiquer l'information utile aux divers publics cibles. Enfin, elle est responsable, tant à l'administration centrale qu'en région, de la conception et de la production du *Rapport annuel* et du bulletin d'information *Infoaction*.

La Direction des services juridiques fournit des avis juridiques sur toute question intéressant le Commissaire ou liée au bon fonctionnement du Commissariat, notamment sur l'interprétation des dispositions de la *Loi sur les langues officielles*, du *Règlement sur les langues officielles* et de la *Charte canadienne des droits et libertés* en matière de langues officielles. Elle assure également la représentation du Commissaire dans les divers recours judiciaires dans lesquels il est engagé et elle entretient d'étroites relations avec d'importantes associations de juristes.

Sénat.

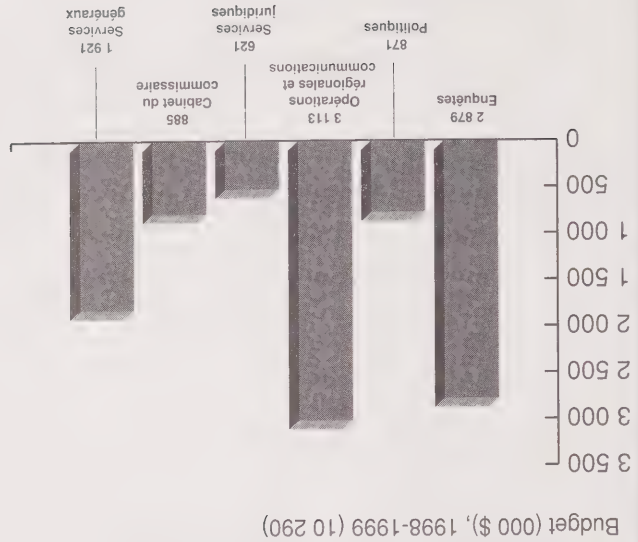
Le Cabinet du Commissaire planifie, coordonne et gère l'agenda et les interventions du Commissaire auprès des décideurs, des communautés de langue officielle, du public en général et des membres de la Chambre des communes et du Sénat.

La Direction des services généraux appuie la mise en œuvre des activités et opérations du Commissariat aux langues officielles en fournissant conseils, services et orientations stratégiques dans les domaines suivants : gestion des ressources humaines, gestion financière, gestion de l'information, services administratifs et distribution des produits d'information au public. Elle assure également la liaison avec les organismes centraux pour ce qui est du respect des exigences administratives, financières et réglementaires en matière de rapports et de comptes rendus, tant celles des organismes centraux que celles du Parlement.

Le Commissariat aux langues officielles compte présentement 126 équivalents temps plein (ETP) pour appuyer le Commissaire dans l'exécution de son mandat de protection des droits linguistiques des particuliers et des groupes au Canada et d'évaluation du rendement linguistique des organismes fédéraux. À l'instar du Vérificateur général et du Directeur général des élections qui doivent demeurer indépendants du gouvernement, le Commissaire fait rapport directement au Parlement. Le Commissaire ne dispose que d'un pouvoir de recommandation, mais il peut s'adresser aux tribunaux en faveur d'un plaignant qui lui en fait la demande.

Sur le plan structurel, le Commissariat a réorganisé une de ses directions en 1998 afin de rationaliser ses opérations. La Direction du secrétariat exécutif et des opérations régionales a en effet été scindée en deux unités, soit la Direction des opérations régionales et des communications et le

La Direction générale des enquêtes instruit les plaintes déposées contre des institutions fédérales, formule les recommandations appropriées et assure le suivi de l'application des correctifs nécessaires. Outre des études spéciales sur les problèmes institutionnels et les difficultés auxquelles se heurtent l'acceptation et l'application de la *Loi sur les langues officielles*, elle assure la surveillance des activités linguistiques d'environ 150 institutions fédérales, réalise des études linguistiques et effectue des suivis systématiques. Elle



Le Commissariat aux langues officielles

Budget (000 \$), 1998-1999 (10 290)

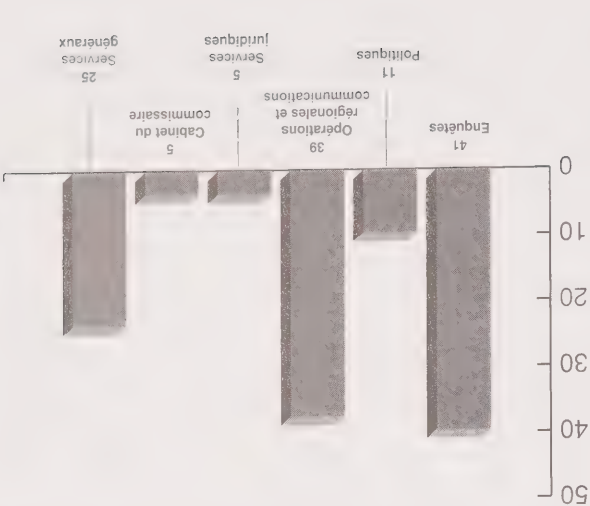
coordonne les interventions auprès des autorités administratives responsables des institutions pour résoudre les difficultés d'application de la *Loi*.

La Direction générale des politiques alimente le Commissaire en conseils, en études et en analyses sur les aspects linguistiques de l'actualité politique et sociale. Elle assure également la liaison avec les organismes centraux, les comités parlementaires, les associations minoritaires nationales et les établissements d'enseignement. Elle conseille le Commissaire sur des stratégies et des politiques d'intervention en ce qui concerne les dossiers d'envergure nationale et internationale. Enfin, la Direction rédige une part importante du *Rapport annuel* et fournit la matière nécessaire à la rédaction des discours et des réponses aux déclarations du Commissaire, propose des réponses à la correspondance et gère la bibliothèque du Commissariat.

La Direction des opérations régionales et des communications planifie et coordonne la prestation des services du Commissariat dans chaque région du pays. Chacun des cinq bureaux régionaux est dirigé par un représentant du Commissaire et assure une présence régionale au nom de celui-ci. Chaque équipe régionale surveille les tendances linguistiques au sein de sa région et coordonne une multitude d'activités d'information auprès des communautés majoritaires et minoritaires de langue officielle afin de mieux faire connaître au public la *Loi*, le rôle du Commissaire et l'importance fondamentale de la dualité linguistique au Canada. Les bureaux régionaux insistent plus de la moitié des plaintes recevables déposées au

Le Commissariat aux langues officielles

Équivalents temps plein, 1998-1999 (126)







NIVEAU ÉLÉMENTAIRE (Programme-cadre)		NIVEAU SECONDAIRE (Programme-cadre)	
Population scolaire dont la langue d'enseignement est l'anglais (le français au Québec et au Nouveau-Brunswick)		Population scolaire dont la langue d'enseignement est l'anglais (le français au Québec et au Nouveau-Brunswick)	
Effectifs		Effectifs	
%		%	
LANGUE SECONDE		LANGUE SECONDE	
n.d.		n.d.	

93 440	33 585	35,9	62 453	34 111	54,6
47 594	27 204	57,2	49 216	25 988	52,8
46 133	25 900	56,1	47 206	24 948	52,8
13 284	7 351	55,3	13 171	8 603	65,3
9 996	5 144	51,5	10 365	5 830	56,2
10 100	5 079	50,3	10 088	5 831	57,8
100 529	30 025	29,9	91 545	58 839	64,3
78 616	36 752	46,7	65 985	39 944	60,5
81 427	36 444	44,8	64 713	39 813	61,5
49 019	29 563	60,3	56 930	37 887	66,6
36 531	30 530	83,6	31 942	19 822	62,1
37 255	30 154	80,9	29 840	19 531	65,5
n.d.	n.d.	n.d.	n.d.	n.d.	n.d.
21 082	10 660	50,6	21 105	17 757	84,1
21 993	10 518	47,8	19 583	17 487	89,3

Voir le tableau IV.1 (Programmes d'enseignement dans la langue de la minorité)

580 351	214 730	37,0	473 402	463 934	98,0
537 944	226 391	42,1	355 988	355 988	100,0
539 749	228 387	42,3	347 673	347 673	100,0
1 221 579	650 136	53,2	612 574	220 369	36,0
958 087	594 317	62,0	887 470	425 378	47,9
967 763	600 811	62,1	903 950	431 630	47,7
110 831	42 576	38,4	100 707	41 376	41,1
86 187	46 622	54,1	82 651	28 724	34,8
90 490	46 492	51,4	83 242	28 908	34,7
110 382	4 928	4,5	104 075	48 469	46,6
95 251	51 824	54,4	86 302	37 113	43,0
95 155	51 418	54,0	88 815	37 124	41,8
216 656	52 435	24,2	215 899	58 903	27,3
258 257	75 870	29,4	242 514	59 202	24,4
259 884	76 311	29,4	249 631	60 293	24,2
305 574	75 740	24,8	220 894	84 069	38,1
292 849	106 830	36,5	291 048	144 358	49,6
295 357	106 975	36,2	294 629	146 093	49,6
3 545	1 346	38,0	1 849	939	50,8
3 058	2 313	75,6	2 779	1 283	46,2
2 887	2 187	75,8	2 815	1 281	45,5
8 801	2 100	23,9	3 916	1 100	28,1
10 039	1 803	18,0	6 838	1 046	15,3
10 004	1 796	18,0	6 927	1 060	15,3
2 813 991 <sup>3</sup>	1 144 515 <sup>3</sup>	40,7	1 957 415 <sup>3</sup>	1 058 599 <sup>3</sup>	54,1
2 414 409 <sup>3</sup>	1 205 600 <sup>3</sup>	49,7	2 113 098 <sup>3</sup>	1 144 676 <sup>3</sup>	54,2
2 456 392 <sup>3</sup>	1 220 476 <sup>3</sup>	49,7	2 157 427 <sup>3</sup>	1 169 987 <sup>3</sup>	54,2

p Données préliminaires.

e Estimation de Statistique Canada.

n.d. Données non disponibles.

Source : Statistique Canada, Centre des statistiques sur l'éducation.

Veillez noter que les chiffres présentés pour l'Ontario, l'Alberta et les Territoires du Nord-Ouest sont des estimations pour 1997-1998 et pour 1998-1999. Dans le cas des autres provinces et du Yukon, les chiffres de 1997-1998 sont fondés sur des données provisoires tandis que ceux de 1998-1999 sont des estimations.

	TOTAL des effectifs en langue seconde	Effectifs	Ecoles offrant des cours d'immersion
<b>PROGRAMMES D'IMMERSION EN FRANÇAIS</b>			
<b>Terre-Neuve</b>	1977-1978 156 168 101 608 1997-1998 97 926	1977-1978 67 791 57 723 55 180	95 4 531 4 332 42
<b>Île-du-Prince-Edouard</b>	1977-1978 27 628 24 213 1997-1998 24 017	1977-1978 16 495 14 202 14 119	7 541 3 228 3 209
<b>Nouvelle-Ecosse</b>	1977-1978 198 097 160 909 1997-1998 162 366	1977-1978 88 991 88 909 88 415	127 12 213 12 158
<b>Nouveau-Brunswick</b>	1977-1978 60 679 42 187 1997-1998 41 576	n.d. 28 417 28 005	34 121 20 968 3 179
<b>Nouveau-Brunswick</b>	Élèves inscrits aux cours de FLS 1977-1978 101 550 89 441 1997-1998 87 778	Élèves inscrits aux cours de FLS 1977-1978 70 629 71 320 1997-1998 70 368	20 683 119
<b>Québec</b>	1977-1978 1 260 983 919 069 1997-1998 916 682	678 664 582 379 576 060	
<b>Québec</b>	Élèves inscrits aux cours de FLS 1977-1978 207 230 100 551 1997-1998 100 184	17 754 37 429 37 384	17 754 37 429 37 384
<b>Ontario</b>	1977-1978 1 950 308 2 093 881 1997-1998 2 123 100	883 269 1 172 993 1 187 619	12 764 153 298 155 178
<b>Manitoba</b>	1977-1978 221 408 192 212 1997-1998 197 213	85 619 93 479 93 543	1 667 18 133 18 143
<b>Saskatchewan</b>	1977-1978 216 248 192 413 1997-1998 194 779	53 804 98 381 97 942	407 9 444 9 400
<b>Alberta</b>	1977-1978 439 804 530 570 1997-1998 539 620	111 338 161 838 163 647	n.d. 26 766 27 043
<b>Colombie-Britannique</b>	1977-1978 527 769 615 522 1997-1998 621 788	161 110 279 953 281 996	1 301 28 765 28 928
<b>Vukon</b>	1977-1978 5 394 6 370 1997-1998 6 215	2 285 4 021 3 877	n.d. 425 409
<b>Territoires du Nord-Ouest</b>	1977-1978 12 717 17 534 1997-1998 17 495	3 200 3 332 3 340	n.d. 483 484
<b>TOTAL</b>	1977-1978 5 178 753 5 087 106 1997-1998 5 133 662	2 240 949 2 665 959 2 707 814	37 835 315 683 317 351
			237 2 103 2 115

N'inclut que les étudiants inscrits aux programmes d'immersion.

Données sur les inscriptions aux programmes d'immersion non disponibles.

Au Québec, le total comprend les élèves inscrits dans les classes d'ALS et les élèves inscrits dans les classes d'immersion en français.

**Note :** Les classes primaires vont de la maternelle à la 6<sup>e</sup> année (avec équivalence au programme international); le niveau secondaire comprend les autres classes.





Yukon

Un examen approfondi des programmes de français est en voie de réalisation. Pendant ce temps, un comité de travail créé au printemps étudie et revoit les programmes de FLS pour les élèves de la 3<sup>e</sup> à la 6<sup>e</sup> année. Huit écoles participent à un projet pilote et des éléments de ces programmes subiront probablement d'importants changements en septembre 1999.

Plus de 175 élèves suivent des cours d'allemand et d'espagnol tandis qu'environ 185 adultes profitent de cours de conversation en FLS. La section yukonnaise de l'association Canadian Parents for French, qui était inactive depuis 1991, a été reconstituée en septembre.

#### Territoires du Nord-Ouest

En vertu de la *Loi sur l'éducation* de 1996, les écoles des Territoires du Nord-Ouest doivent offrir des cours de langue seconde aux élèves de la maternelle à la 12<sup>e</sup> année. Depuis l'introduction de cette politique, le nombre d'inscriptions a, en fait, diminué légèrement chez les élèves de la maternelle à la 3<sup>e</sup> année; il semble qu'apparavant on ne considérait pas ces cours tout bonnement disponibles, mais on croyait que l'inscription était obligatoire afin que la politique soit mise en application. Un atelier de deux jours sur l'évaluation des élèves a été offert aux enseignants en janvier.

élèves du programme d'immersion en français de la 4<sup>e</sup> à la 6<sup>e</sup> année. Ces ressources seront utilisées dans les quatre provinces et les deux territoires qui ont signé le Protocole. Au printemps, le Ministère a publié un programme révisé de français langue d'enseignement pour les élèves de la maternelle à la 12<sup>e</sup> année, lui aussi fondé sur le Protocole. Le Ministère a aussi publié six documents pour aider les instituteurs qui enseignent les sciences aux élèves de la 1<sup>re</sup> à la 6<sup>e</sup> année en classe d'immersion et de français langue première, des ressources d'apprentissage pour les élèves inscrits aux Études sociales 30, ainsi qu'une édition française des 22 domaines du programme d'études professionnelles et technologiques [voir <http://ednet.edc.gov.ab.ca/learning/>].

Le Ministère publiera en outre une série de documents (un par niveau scolaire) renfermant des échantillons annotés de travaux d'élèves et de projets illustrant un objectif clé ou un groupe d'objectifs pour chacun des niveaux élémentaires du programme révisé.

En partenariat avec plusieurs groupes, dont le College of Alberta School Superintendents, l'Association de commissaires pour l'éducation bilingue en Alberta, la section albertaine de l'association Canadian Parents for French, la Faculté Saint-Jean de l'Université de l'Alberta et le ministère de l'Éducation ont coparrainé un symposium sur l'immersion en français, qui s'est tenu en novembre. Cette conférence de travail s'adressait aux décideurs des districts scolaires qui offrent l'immersion en français ou envisagent de le faire.

#### Colombie-Britannique

Depuis quelques années, la Colombie-Britannique applique une nouvelle politique d'enseignement des langues publiée en 1994. Selon cette politique, en vigueur depuis septembre 1997, l'apprentissage d'une seconde langue est obligatoire pour tous les élèves de la 5<sup>e</sup> à la 8<sup>e</sup> année, sauf pour certains élèves qui ont des besoins spéciaux. Auparavant, seuls les élèves de la 8<sup>e</sup> année étaient tenus d'étudier une seconde langue.

Le conseil scolaire choisit la seconde langue à offrir; celle-ci peut être aussi bien le punjabi, le mandarin, le japonais, l'allemand ou l'espagnol que le français. Le français de base est la seconde langue étudiée si le conseil scolaire n'en choisit ou n'en précise pas d'autre.

Bien qu'il faille attendre encore quelques années pour connaître les répercussions de cette politique, il convient de signaler que la première année après son entrée en vigueur, le nombre d'élèves de la 5<sup>e</sup> année inscrits à un programme de FLS est passé de 37 131 (en 1996-1997) à 40 076 (en 1997-1998). Le nombre d'élèves en classe d'immersion en français a augmenté cette année et l'on y trouve un nombre accru d'enfants d'immigrants.

## Alberta

En Alberta, où le nombre d'inscriptions aux programmes d'immersion en français a légèrement augmenté en 1997-1998, il semble y avoir un regain d'intérêt puisque le nombre d'inscriptions à la maternelle a connu une hausse de 16 p. 100 au début de l'année scolaire.

Le ministère de l'Éducation de l'Alberta a préparé et publié un cours complet pour l'enseignement du français à distance à l'aide de ressources audio, vidéo et imprimées. Ce cours est destiné aux élèves de l'école secondaire qui étudient le FLS au niveau intermédiaire 1. Il s'agit d'un cours modulaire qui permet d'acquérir les quatre compétences de base : savoir écouter, parler, lire et écrire. Ce cours, axé sur l'apprentissage par la communication et l'expérience, fait appel à des ressources vidéo et audio pour « transporter » les élèves dans la ville francophone fictive de Villerocher, où ils « vivent » avec la famille Dupont. Villerocher sert de cadre à des situations authentiques; les élèves y communiquent avec divers personnages dans toutes sortes de circonstances pour demander ou fournir des renseignements, obtenir ou donner des conseils, exprimer des besoins, des sentiments ou des désirs, ou décrire des personnes, des actes ou des événements.

Un cours pour l'apprentissage à distance au niveau intermédiaire 2 est en voie de préparation; il sera composé de cinq modules, qui porteront sur des thèmes tels que le monde du travail, les voyages et la protection de l'environnement.

Depuis septembre, on trouve sur Internet un guide pédagogique interactif pour l'intégration de la technologie dans le programme-cadre de français, *L'enseignement du français langue seconde assisté par ordinateur* [voir [www.2learn.ca/oi/oi2/outilsprop.html](http://www.2learn.ca/oi/oi2/outilsprop.html)]. Ce site renferme des composantes comme des instruments électroniques pour l'apprentissage du français, des noms de personnes avec qui correspondre, des ressources didactiques et des sites Web de langue française.

En décembre, le ministère de l'Éducation a publié des directives pour le classement des élèves inscrits en FLS. Celles-ci permettront aux enseignants d'évaluer les connaissances en langue parlée et écrite, et aideront les écoles secondaires à classer les élèves au niveau élémentaire, intermédiaire ou avancé de FLS. Une série de documents d'évaluation a été publiée. Ils s'adressent aux instituteurs enseignant les mathématiques, les sciences et les études sociales aux élèves des 1<sup>re</sup>, 2<sup>e</sup>, 4<sup>e</sup>, 5<sup>e</sup>, 7<sup>e</sup>, 8<sup>e</sup>, 10<sup>e</sup> et 1<sup>re</sup> années en classe d'immersion en français. Un programme d'études conçu expressément pour les instituteurs qui enseignent à des élèves de maternelle en classe d'immersion a été élaboré et sera publié bientôt.

Se fondant sur le Protocole de collaboration concernant l'éducation de base dans l'Ouest canadien, le ministère de l'Éducation a supervisé et coordonné la vérification de ressources en mathématiques mis à la disposition des enseignants et des

## Saskatchewan

Le domaine de l'enseignement immersif a fourni 10<sup>e</sup> années ont été rédigés pour les élèves de la maternelle à la 10<sup>e</sup> année inscrits au programme de FLS et en immersion. Ces documents exposent les résultats escomptés, les stratégies d'enseignement et une liste des ressources d'apprentissage. La Faculté d'éducation du Collège universitaire de Saint-Boniface, le ministère de l'Éducation et l'Association canadienne des professeurs d'immersion ont pris part à des discussions préliminaires concernant la création d'une seconde bande vidéo sur les stratégies d'enseignement. Au printemps 1999, des tests standardisés pour les élèves des 3<sup>e</sup> et 6<sup>e</sup> années en classe d'immersion seront administrés. Des tests d'essai pour les élèves de secondaire 1 sont en voie d'élaboration.

En Saskatchewan, il y a une légère baisse du nombre d'élèves inscrits aux programmes d'immersion en français.

Le site Web du ministère de l'Éducation de la Saskatchewan donne maintenant accès à des programmes de base et d'immersion et à de la documentation complémentaire (voir <http://www.sasked.gov.sk.ca/bmfo/>). Tous les programmes de FLS en sont au stade de l'actualisation ou de l'entrichissement, conformément au principe de la pérennité des programmes, selon lequel un programme d'études doit être enrichi continuellement pour être mis en application le plus efficacement possible.

Un nouveau programme de français pour la 10<sup>e</sup> année a été introduit cette année. Curieusement, selon les nouvelles lignes directrices, les élèves qui ont fait leurs études en classe d'immersion pouvaient obtenir leur diplôme sans posséder suffisamment de connaissances en anglais pour s'inscrire à un programme de premier cycle. Il est prévu cependant que les universités de la Saskatchewan et de Regina modifient leurs conditions d'admission.

Dans le nord de la Saskatchewan, la langue seconde choisie est de plus en plus susceptible d'être le cri ou le dène, en partie pour aider à prévenir l'extinction de ces langues.

Le gouvernement du Québec offre des programmes d'ALS pour les élèves francophones et des programmes de FLS pour les élèves anglophones. La province a entrepris une importante réforme scolaire qui porte non seulement sur les programmes d'études mais sur l'ensemble du système d'éducation. Soulignons que dans le cadre de la restructuring, plusieurs commissions scolaires confessionnelles sont devenues des commissions scolaires linguistiques et que leur nombre est passé de 156 à 72, dont 60 francophones, neuf anglophones et trois à statut particulier.

Dans la foulée de la réforme en cours, un document rendu public, en octobre 1997, fait état des orientations ministérielles retenues en guise de balises pour favoriser désormais moins l'accès à l'éducation que le succès du plus grand nombre d'élèves. Une des orientations énoncées dans la politique éducative *L'école, tout un programme*, précise que les programmes d'études faciliteront l'apprentissage de la langue seconde et des langues tierces, afin de tenir compte de la dualité linguistique dans le contexte nord-américain ainsi que de la mondialisation et de l'universalité des communications.

Dans le réseau scolaire anglais, où le français est une matière obligatoire durant tout le primaire et le secondaire, un nouveau programme de FLS fondé sur les compétences est aussi en préparation. Un programme particulier pour les classes d'immersion est également élaboré pour tenir compte des orientations énoncées dans *L'école, tout un programme*.

Le programme de FLS, tant pour les élèves inscrits dans un programme de base que pour ceux qui fréquentent les classes d'immersion, sera implanté dans les classes pour le premier cycle du primaire dès septembre 1999. Des comités d'élaboration, incluant enseignants et conseillers pédagogiques, sont chargés de la rédaction des programmes-cadres de FLS et des programmes d'immersion.

L'énoncé de principe prévoit que l'enseignement de l'ALS débutera plus tôt au primaire, soit en 3<sup>e</sup> année; de plus, les milieux scolaires seront invités à explorer différents modèles d'enseignement de l'ALS et à adopter des pratiques pédagogiques novatrices afin de favoriser un apprentissage qui réponde mieux aux attentes de la population à cet égard.

Un nouveau programme d'ALS fondé sur les compétences est en voie de préparation.

La priorité pour cette année a été la conception des programmes. Toutefois, il faut souligner la mise en place d'un projet de télécollaboration sur Internet par le Réseau des écoles de langue anglaise du Québec. Ce réseau d'échanges d'expériences s'adresse directement aux enseignants de FLS.

De plus, un cahier d'autoperfectionnement sur les technologies de l'information et de la communication a été conçu pour les enseignants du primaire et du secondaire.

## Ontario

Enfin, signalons que le Québec amorce la troisième année d'application d'un Plan d'action sur l'utilisation des nouvelles technologies de l'information à l'école.

L'Ontario a entrepris de modifier radicalement son système d'éducation. En vertu du projet de loi 160, le pouvoir décisionnel des conseils scolaires a été réduit. En mars, le gouvernement provincial a annoncé sa nouvelle structure de financement de l'éducation, selon laquelle chaque école recevra des subventions de base en fonction du nombre de ses élèves.

Certains programmes, tels que les classes adaptées, obtiendront des fonds additionnels; les programmes de langue font partie des neuf programmes pour lesquels des subventions spéciales sont prévues. Les écoles verront leur budget croître en fonction du nombre d'élèves inscrits à leurs programmes-cadres de français, de français enrichi ou d'immersion en français ainsi que d'ALS, de français première langue et de langues autochtones ou étrangères. Cependant, bien qu'un financement soit encore accordé pour les programmes d'immersion précocée en français, il ne sera pas pour les programmes-cadres de français ou de français enrichi offerts aux élèves de la 1<sup>re</sup> à la 3<sup>e</sup> année. Les mesures adoptées rapidement par certains conseils scolaires pour éliminer graduellement ces derniers programmes pour leurs plus jeunes élèves ont suscité de l'inquiétude chez de nombreux parents. Toutefois, dans plusieurs régions, après avoir examiné ces questions, les conseils scolaires ont décidé de conserver ces programmes.

Le nouveau programme-cadre de français pour les élèves de la 4<sup>e</sup> à la 8<sup>e</sup> année a été rendu public en juin. Les nouveaux programmes-cadres de français, de français enrichi et d'immersion en français pour les élèves du secondaire sont censés être fournis en deux étapes, soit au début de 1999 pour les volets des 9<sup>e</sup> et 10<sup>e</sup> années et en 2000 pour les volets des 1<sup>re</sup> et 12<sup>e</sup> années.

## Manitoba

Le Bureau de l'éducation française (BEF) du Manitoba a collaboré avec l'ACPLS à la création et à la mise à l'essai d'une trousse pancanadienne d'évaluation formative pour le FLS, trousse pancanadienne d'évaluation formative pour le FLS, niveau débutant. Cette trousse (un CD-ROM et de la documentation dans un cahier relié) vient de paraître.

Le BEF a aussi collaboré avec l'ACPLS à l'élaboration d'une trousse pancanadienne d'évaluation formative pour le FLS avancée, dont il a commencé la mise à l'essai. La version finale de cette trousse sera disponible à l'automne de 1999. En outre, le BEF travaille à la conception d'un cours pour l'enseignement à distance du français de base aux élèves de secondaire 3, qui se veut la suite des cours offerts en secondaire 1 et 2.



conformité de cette répartition des pouvoirs à l'article 23 de la *Charte*, suggère au tout début par le Commissaire, est toujours

souhaité par beaucoup de citoyens.

Le Nouveau-Brunswick continue de fournir un solide appui aux enseignants dans les domaines du FLS, de l'apprentissage des méthodes et des activités d'enrichissement des élèves. Durant l'année scolaire 1998-1999, la province examinera tous les programmes imprimés de FLS pour les élèves de la 1<sup>re</sup> à la 12<sup>e</sup> année.

Cette année, les parents anglophones ont demandé un examen de la directive provinciale n° 309, selon laquelle il ne devrait y avoir que deux points standard d'accès aux programmes d'immersion en français : précocé (maternelle/1<sup>re</sup> année) et intermédiaire (5<sup>e</sup> ou 6<sup>e</sup> année). Les parents aimeraient qu'il existe un autre point d'accès (4<sup>e</sup> année) entre les deux points actuels. Cette option est offerte dans certaines écoles, mais son élimination graduelle a commencé par suite de la révision en cours du programme d'éducation. Cependant, on est en train d'examiner la directive n° 309; les résultats de cette démarche devront être annoncés au début de 1999.

L'anglais est une matière obligatoire pour les élèves franco-phones de la 4<sup>e</sup> à la 10<sup>e</sup> année et facultative pour les élèves des 1<sup>re</sup> et 12<sup>e</sup> années. En pratique, l'ALS est enseigné aux franco-phones à partir de la 3<sup>e</sup> année dans quatre districts scolaires et à compter de la 5<sup>e</sup> année dans un autre district. L'ALS a été déclaré une priorité pour les trois prochaines années. Le programme actuel sera probablement remanié pour tenir compte de l'évolution graduelle des besoins des apprenants; la révision du programme, qui a débuté officiellement en 1998, doit prendre fin en 1999 pour le niveau élémentaire et en 2000 pour le secondaire.

Les changements apportés au programme d'ALS du Nouveau-Brunswick pendant une période d'expérimentation de quinze ans, mais surtout depuis 1992, se sont consolidés en 1997 et 1998. L'année scolaire 1998-1999 sera fertile en événements, car la province a commencé à examiner l'ALS en tenant compte de la révision du programme d'études, de l'augmentation des ressources et des occasions de formation ainsi que de l'élaboration éventuelle de nouvelles politiques.

Le Nouveau-Brunswick fait subir un examen obligatoire à tous les élèves de la 10<sup>e</sup> année qui suivent des cours d'ALS. Selon les résultats obtenus en 1998, le pourcentage de réussite est élevé tant chez les élèves de la « Voie A », c'est-à-dire qui vivent dans des régions homogènes sur le plan linguistique, que chez les élèves de la « Voie B », soit ceux qui habitent dans des régions bilingues où ils sont fortement exposés à la langue anglaise en dehors des heures de classe.

## Nouvelle-Écosse

En Nouvelle-Écosse, les programmes de français enrichi et d'immersion sont plus répandus qu'avant; des programmes d'immersion sont maintenant offerts par les six conseils régionaux.

La nouvelle politique (dont il est question plus haut) sur l'enseignement du français langue seconde (FLS) incite les conseils scolaires à formuler leurs propres principes directeurs. Par exemple, à Halifax, qui a célébré cette année le vingtième anniversaire de sa première classe d'immersion en français, le conseil scolaire régional a déposé un plan d'expansion des programmes d'enseignement du français. Selon ce projet, la période quotidienne minimum d'enseignement du français de base passerait, dans certains cas, de 20 à 30 minutes. Les écoles désignées continueraient d'offrir des programmes-cadres de français enrichi aux élèves de la 7<sup>e</sup> à la 12<sup>e</sup> année tandis que dans certaines écoles, les programmes d'immersion débuteraient en maternelle (appelée 1<sup>re</sup> année en Nouvelle-Écosse) ou en 7<sup>e</sup> année.

De plus, en mai dernier, le Conseil scolaire d'Halifax a voté en faveur de la modification d'une politique qui obligeait les élèves à fréquenter l'école de leur quartier. Ceux-ci peuvent maintenant prendre part à des programmes d'immersion même si l'école de leur quartier n'en offre pas.

Autres faits nouveaux : des programmes scolaires de français de base pour l'école élémentaire et pour l'école secondaire de premier cycle sont en voie d'élaboration; ils devraient être instaurés en janvier 1999. La Fondation d'éducation des provinces de l'Atlantique travaille à la rédaction d'un document de base pour l'enseignement du français offert dans le cadre des programmes d'immersion qui en explique les principes fondamentaux et pédagogiques. La Fondation précise aussi les résultats à obtenir aux étapes clés du programme. Le document devrait être prêt pour l'examen critique au début de 1999. Entre-temps, des documents sur l'immersion en français pour les élèves de la maternelle à la 6<sup>e</sup> année et pour ceux de la 10<sup>e</sup> à la 12<sup>e</sup> année ont été publiés sous forme de versions préliminaires en 1998. Des professeurs de FLS ont participé à plusieurs rencontres estivales sur les mathématiques, le théâtre et l'apprentissage coopératif.

## Nouveau-Brunswick

À titre de province officiellement bilingue, le Nouveau-Brunswick a deux systèmes d'éducation distincts : un pour les francophones et un pour les anglophones. Au cours des dernières années, des changements énormes se sont produits dans cette province, notamment un remaniement total de l'infrastructure éducative, accompagné de la transformation de tout le réseau des conseils scolaires. La nouvelle structure à trois niveaux qui a remplacé les anciens conseils scolaires demeure controversée en raison des vastes pouvoirs conférés au Ministre et du pouvoir décisionnel restreint des parents. Un renvoi judiciaire sur la

planification de ses projets à venir. Elle a tenu, pour une deuxième année, son concours de rédaction scolaire (« Nos deux langues, notre fierté »), qui veut attirer les élèves du secondaire (qui ont moins l'occasion d'apprendre le français langue seconde que dans les premières années de leur éducation).

Toutefois, la CPF s'inquiète de plus en plus de l'avenir, bien que le programme d'immersion canadien soit un modèle pour la communauté internationale et qu'il crée des liens entre les deux groupes linguistiques officiels du pays. Depuis 1992, le Programme des langues officielles dans l'enseignement du gouvernement fédéral a subi des compressions draconiennes. Or c'est ce programme qui accorde des fonds aux provinces et aux territoires pour défrayer en partie les programmes de français langue seconde et d'enseignement dans la langue de la minorité. La CPF a constaté que la réduction des dépenses fédérales influe déjà sur la stabilité et la qualité des programmes-cadres de français et des programmes d'immersion en français dispensés dans le pays. D'autres compressions auraient des conséquences désastreuses. La CPF s'inquiète aussi du fait que les programmes de français langue seconde n'aient pas encore une place assurée dans le système d'éducation canadien, malgré l'appui du public, leur succès et leurs avantages.

Il existe au Québec un organisme beaucoup plus jeune que la CPF, les Parents pour la promotion de l'apprentissage de l'anglais, langue seconde (PPAALS). Cet organisme, grandement encouragé par le Commissaire, a été mis sur pied il y a quelques années par des parents qui désiraient que leurs enfants maîtrisent bien l'anglais, leur langue seconde, afin d'être prêts pour le marché du travail du XXI<sup>e</sup> siècle. Depuis sa création, PPAALS a regroupé les parents qui réclament la disponibilité au Québec d'un enseignement de qualité de l'anglais. L'organisme est aussi en voie de devenir un centre d'information efficace sur les méthodes d'enseignement de l'anglais, langue seconde, en plus d'être présent sur Internet pour rendre l'information plus accessible aux parents.

## SURVOL RÉGIONAL

Terre-Neuve

L'infrastructure éducative de la province canadienne le plus à l'est a subi un changement historique en janvier 1998, après que la Chambre des communes eut voté pour modifier la 17<sup>e</sup> des Conditions de l'Union de manière à éliminer les écoles confessionnelles. Ce processus avait débuté en 1995, en vertu de la nouvelle loi sur les écoles de Terre-Neuve, on en est maintenant à l'établissement de conseils scolaires neutres.

Présentement, quatre écoles prennent part à un projet de recherche sur l'enseignement intensif du français, modèle sur les programmes d'anglais intensif du Québec. Pendant la moitié de l'année, les élèves de la 6<sup>e</sup> année consacrent la moitié ou les trois quarts de leur journée à l'étude du français de base; le reste de

### Ile-du-Prince-Édouard

Les provinces de l'Atlantique ont collaboré à l'élaboration d'un cadre de résultats pour les programmes-cadres de français et travaillé à la formulation des prémisses pour les programmes d'immersion en français. L'Ile-du-Prince-Édouard, qui a participé à ces travaux, tiendra compte des résultats de ces projets dans l'élaboration de ses programmes.

La province a décidé d'entreprendre un examen portant sur les 7<sup>e</sup>, 8<sup>e</sup> et 9<sup>e</sup> années qui permettra de découvrir le temps consacré à toutes les matières, dont le français de base et les matières enseignées en français en immersion précoce et tardive. À l'échelle nationale, l'Ile-du-Prince-Édouard a participé à l'élaboration de projets de stratégies d'évaluation des programmes-cadres de français avec l'Association canadienne des professeurs de langues secondes (ACPLS).

En 1997, le District scolaire est de la province a entrepris une étude de ses programmes d'immersion. Il a constaté que les élèves s'inscrivent à un programme d'immersion pour diverses raisons, notamment pour apprendre une seconde langue, apprendre à relever un défi, élargir leur bagage de connaissances et prendre contact avec un milieu francophone. Le pourcentage de parents satisfaits des programmes d'immersion était élevé. L'étude recommandait, entre autres, d'incorporer les programmes recommandés pour garantir l'égalité d'accès) et de rendre les programmes existants plus compatibles les uns avec les autres.

Un nouveau programme d'anglais langue seconde (ALS) est en voie d'élaboration pour les élèves francophones de la province, qui sont tous inscrits à un tel programme dès la 4<sup>e</sup> année.

L'année scolaire, ils terminent leur programme d'études autorisé sous forme accélérée.

Se fondant sur le programme de français, langue maternelle conçu pour l'école élémentaire, le ministère de l'Éducation est à élaborer un test critique à l'intention des élèves en classes d'immersion française à la fin de leur 3<sup>e</sup> année. Ce test devrait être mis à l'essai en juin 1999 et administré pour la première fois en juin 2000.

Des programmes scolaires et des publications connexes seront bientôt accessibles en ligne. On a entrepris une importante initiative en vue de fournir aux enseignants et à d'autres personnes intéressées des publications récentes en format PDF (fichiers créés par logiciel Acrobat d'Adobe) par Internet.



donné lieu à l'augmentation de la demande d'enseignants de langues secondes qualifiés.

Maintenant que les programmes de langues secondes font partie intégrante du programme scolaire de la plupart des provinces et territoires et que 2 700 000 élèves des écoles élémentaires et secondaires apprennent le français ou l'anglais comme deuxième langue, le plan a-t-il donné les résultats escomptés ? Si l'on se fie aux données publiées par l'émment chercheur canadien Stacy Churchill, dans son ouvrage paru en 1998, *Les langues officielles au Canada : transformer le paysage linguistique*, le plan a connu un succès remarquable.

Prenant la proportion d'adolescents canadiens de 15 à 19 ans qui étaient bilingues en 1981 et l'ayant comparée avec les données de 1996, il déclare : « Les résultats du recensement de 1996 montrent une croissance absolument sans précédent du nombre de Canadiens de langue maternelle anglaise qui déclarent être capables de parler le français. » Le tableau ci-dessous, tiré de l'étude de Churchill, indique que près du quart des Canadiens entre 15 et 19 ans (24 p. 100) ont déclaré, dans le recensement de 1996, être bilingues, par rapport à 17,7 p. 100 en 1981. L'accroissement du bilinguisme s'est produit essentiellement chez les anglophones, puisque l'anglais est depuis longtemps une matière obligatoire pour les francophones du Québec, de la 4<sup>e</sup> année à la fin du secondaire. Certaines provinces affichent une augmentation remarquable du taux de bilinguisme.

Churchill termine sur une note très optimiste son examen des données démographiques relatives aux langues secondes au Canada. Faisant remarquer que, comparativement aux générations plus âgées, les jeunes Canadiens entretiennent des attitudes très positives à l'endroit des langues officielles, il pose la question suivante : « Pourrait-on demander de meilleurs résultats à une "option-jeunesse" pour ce qui est de miser sur l'entente à venir entre des communautés de langue officielle égales ? »

## LA JEUNESSE ET LE PROCHAIN MILLENAIRE

Les programmes éducatifs portent fruit et, de plus en plus, nous sommes capables de communiquer entre nous dans les deux langues officielles. Ces tendances, une fois constatées, doivent toutefois être étayées. Sans le soutien nécessaire, les programmes de langues secondes s'étiolent. Tout comme le jardinier doit fertiliser et arroser son jardin l'été durant, nous devons continuer d'élaborer et de mettre en œuvre des programmes de langues secondes de qualité; si nous ne pouvons les adapter ni les élargir, nous perdrons nos acquis. Qu'il s'agisse de programmes de

**Tableau V.1**  
Pourcentage des adolescents bilingues (15-19 ans), 1981 et 1996<sup>1</sup>

Année	1981	1996
Canada	17,7	24,4
Terre-Neuve	4,2	11,2
Île-du-Prince-Édouard	8,7	23,5
Nouvelle-Écosse	9,4	18,8
Nouveau-Brunswick	29,2	49,3
Québec	32,4	41,9
Ontario	15,2	20,2
Manitoba	9,9	18,0
Saskatchewan	5,7	10,7
Alberta	8,0	13,6
Colombie-Britannique	8,3	14,3
Yukon	10,3	18,2
Territoires du Nord-Ouest	3,8	7,8

<sup>1</sup> Statistique Canada, *Recensement du Canada, 1981 et 1996*, cité dans Stacy Churchill, *op. cit.*, Ottawa, ministère du Patrimoine canadien, 1998.

Les programmes linguistiques canadiens ont grandement bénéficié de la vigilance et de la participation créative des parents qui ont consacré, collectivement, des milliers d'heures pour faire en sorte que leurs enfants aient la possibilité d'apprendre leur langue seconde. En fait, les parents sont la force maîtresse derrière ce mouvement, le plus intéressant qui soit dans ce domaine. Il est donc important de soutenir leurs efforts.

Si la qualité des programmes se détériore, les résultats des élèves s'en ressentiront. Les parents doivent avoir la conviction que leurs enfants tirent profit de l'enseignement qu'ils reçoivent, sinon ils les retireront des programmes linguistiques facultatifs, tels que l'immersion en français, et cesseront d'appuyer les programmes existants.

L'élaboration des programmes assure d'avoir les crédits nécessaires pour tous les éléments de technologies et de leur utilisation en classe, nous devons nous perfectionnement des enseignants ou d'exploration des nouvelles



français langue seconde de la 4<sup>e</sup> à la 8<sup>e</sup> année.

1988 Alberta La province adopte une politique de l'enseignement du français langue seconde en vue d'accroître les possibilités pour tous les élèves de l'Alberta d'apprendre le français en offrant des programmes d'immersion en français, des cours de français langue seconde et des cours connexes.

1992 Terre-Neuve Le rapport intitulé *Nos enfants, notre avenir* de la Commission royale sur l'éducation propose de resserrer les exigences des programmes de français langue seconde et d'intensifier l'enseignement du français dans le programme d'études.

1994 Nouveau-Brunswick La Politique 309 établit des lignes directrices pour la prestation de programmes-cadres de français et de programmes d'immersion en français, y compris la période d'enseignement minimale. En outre, elle réduit de 18 à deux le nombre de points d'entrée possibles dans les classes d'immersion. La politique est actuellement à l'étude et les recommandations sont attendues pour le début de 1999.

1994 Colombie-Britannique Une politique d'éducation linguistique rend obligatoire l'étude d'une deuxième langue pour tous les élèves de la 5<sup>e</sup> à la 8<sup>e</sup> année, sauf ceux ayant des besoins spéciaux. Dans la plupart des cas, la langue étudiée est le français, bien qu'elle puisse être le panjabi, le mandarin, le japonais, l'allemand ou l'espagnol.

1995 Manitoba Le document d'orientation, *Les bases de l'excellence*, établit combien de temps il faut consacrer aux programmes de français langue seconde.

1996 Territoires du Nord-Ouest En vertu de la *Loi sur l'éducation* de 1996, une langue seconde doit être enseignée de la maternelle à la 12<sup>e</sup> année.

ÉVOLUTION DE NOTRE POPULATION

1996 Manitoba Selon la Politique curriculaire pour l'éducation en immersion française, on parle d'un programme d'immersion lorsque « la totalité ou la majeure partie des cours [...] sont dispensés en français par des enseignants ayant une maîtrise de cette langue ». Elle établit trois points d'entrée ainsi que les exigences de base du programme.

1996 Québec L'énoncé de politique sur l'éducation annonce la possibilité que les étudiants commencent leurs études en anglais langue seconde dès la 3<sup>e</sup> année. La date et les modalités d'application font l'objet de consultations. Ce même énoncé appuie l'exploration de modèles innovateurs pour l'enseignement de l'anglais.

1998 Nouvelle-Écosse Une politique officielle concernant les programmes de français langue seconde définit les quatre programmes offerts et sert de guide à tous les partenaires. Depuis 1997, on instaure progressivement des programmes de français obligatoires de la 7<sup>e</sup> à la 9<sup>e</sup> année.

1999 Île-du-Prince-Édouard Une directive du Ministère entrera en vigueur au cours de l'année relativement au taux de vigilance applicable aux programmes-cadres de français et aux programmes d'immersion en français pour les élèves de la 7<sup>e</sup> à la 9<sup>e</sup> année. Cette directive s'ajoute aux lignes directrices établies pour l'enseignement au niveau élémentaire.

un milieu multilingue apprennent tout simplement plusieurs langues à la fois.

Les résultats des tests d'anglais montrent que les élèves des programmes d'immersion française sont tout à fait capables d'assimiler deux langues en même temps. Dans leurs rapports sur les districts scolaires de langue française et anglaise de la province, rendus publics en janvier 1998, des éducateurs du Nouveau-Brunswick ont affirmé que les élèves des classes d'immersion française réussissent mieux en anglais que ceux moins exposés en classe à leur langue seconde. Fondés sur des tests uniformes passés par des élèves de divers niveaux et dans différentes matières principales, ces rapports indiquent que les élèves du secteur régulier obtiennent en moyenne 57 p. 100 en anglais, comparativement à 82 p. 100 pour ceux inscrits tôt en immersion française et à 87 p. 100 pour les élèves des programmes d'immersion tardive. Voici un autre exemple : les tests de connaissance de l'anglais qu'on a fait passer, en février 1998, à des élèves du programme d'immersion de l'école Saint-Patrick, à St. John's (Terre-Neuve), ont révélé que ces élèves obtenaient des notes supérieures aux moyennes des districts et de la province.

**POLITIQUES D'ENSEIGNEMENT DE LA LANGUE OFFICIELLE SECONDE**

Au cours des quinze dernières années, les gouvernements provinciaux et territoriaux ont accompli beaucoup de progrès en ce qui touche l'intégration des politiques d'enseignement de la langue seconde dans leurs politiques de l'éducation. Le calendrier qui suit fait état de l'évolution des politiques en matière d'enseignement des langues officielles pendant cette période.

Année	Province/territoire	Politiques élaborées
1983	Manitoba	Une nouvelle politique relative au français fondamental établit qu'il faut consacrer 120 heures par année aux programmes-cadres de neuf ans et de six ans.
1984	Yukon	Diffusion des politiques et des procédures concernant le programme d'immersion en français.
1986	Yukon	L'enseignement du français langue seconde sera offert, sur demande, à partir de la 1 <sup>re</sup> année, conformément aux politiques et aux procédures établies.
1986	Ontario	Une politique provinciale rend obligatoire l'enseignement du



**L'ENSEIGNEMENT DES LANGUES SECONDES : IL FAUT S'INSPIRER DES RÉUSSITES DE NOUVELLES ÉTUDES SUR L'APPRENTISSAGE DES LANGUES EN BAS ÂGE**

Quoi de plus naturel pour l'être humain que d'apprendre une langue ? La mystérieuse aptitude à interpréter des arrangements complexes de mots (ou, dans le cas du langage gestuel, de gestes) fait constamment l'objet d'études. Les découvertes sur les diverses façons dont le cerveau traite le langage apportent des éléments nouveaux qui aident à comprendre le mode d'apprentissage des langues et le fonctionnement des élèves exposés à plus d'une langue.

Au début de l'année, Laura Ann Pettito, professeur de psychologie de l'Université McGill, a rendu publics de nouveaux résultats selon lesquels notre capacité de compréhension et d'utilisation du langage serait régie par une partie du cerveau distincte de celle qui gouverne l'audition et la capacité de différencier les sons. De concert avec Robert Zatorre, neuropsychologue de l'Institut neurologique de Montréal, Mme Pettito a comparé l'acquisition du langage auprès d'enfants qui entendent, d'enfants qui souffrent d'une déficience auditive et d'enfants qui grandissent dans des foyers dits mixtes, c'est-à-dire dont un des parents est sourd et l'autre entend. Elle a constaté que l'acquisition était comparable dans les trois groupes, qu'il s'agisse de langage parlé ou de langage gestuel.

Dans les années 1970, Mme Pettito a travaillé avec Nim Chimpsky, un chimpanzé à qui on avait enseigné à utiliser les symboles du langage gestuel. Sa recherche a démontré que les chimpanzés sont incapables d'acquiescer le langage de la même façon que les humains. Les travaux auxquels Laura Ann Pettito a consacré sa vie révèlent des faits extrêmement intéressants, entre autres que le cerveau humain est, tôt dans la vie, réceptif au langage et que les structures d'acquisition du langage se développent aussi durant les premières années. Comme elle l'a déclaré au quotidien *The Gazette*, en mars dernier : « Plus vous exposez vos enfants à un grand nombre de langues, plus ils sont avantagés. Le cerveau fait preuve d'une grande agilité. »

La psychologue Lisa Gleitman, de l'Université de Pennsylvanie, a déclaré dans le cadre d'une conférence de l'American Association for the Advancement of Science, tenue en mars, que les enfants semblent avoir une aptitude innée à analyser et à absorber le langage. Lors de la même conférence, le psychologue Peter Jusczyk de l'Université Johns Hopkins a ajouté que l'exposition de l'enfant à plus d'une langue au cours de ses premières années ne le gêne nullement. Les enfants élevés dans

Tableau IV.1

Les programmes d'enseignement dans la langue de la minorité

Nombre d'élèves inscrits aux programmes conçus pour permettre aux enfants de la minorité de langue officielle (l'anglais au Québec et le français ailleurs) d'étudier dans leur langue maternelle; classes où ces programmes sont assurés; nombre d'écoles les dispensant, selon les provinces et territoires, 1970-1971, 1997-1998 et 1998-1999.

Terre-Neuve	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>	Élèves inscrits	Classes	Nombre d'écoles
Île-du-Prince-Édouard	185	267	255	M à 12	5	5
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
Nouvelle-Écosse	796	624	620	1 à 12	2	2
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
Nouveau-Brunswick	60 679	42 187	41 576	M à 12	109	107
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
Québec	248 855	100 551	100 184	M à 11	519	355
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
Ontario	115 869	95 026	96 209	M à 13	441	446
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
Manitoba	10 405	5 241	5 248	M à 12	49	29
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			
	1970-1971	1997-1998 <sup>p</sup>	1998-1999 <sup>e</sup>			

M Maternelle.  
P Primaire.  
P Données préliminaires.  
e Estimation.  
n.d. Données non disponibles.

\* Le total ne comprend pas l'Alberta, puisque les données ne sont pas disponibles.

Source : Statistique Canada, Centre des statistiques sur l'éducation.

Veuillez noter que les chiffres de 1997-1998 et de 1998-1999 pour le Québec, l'Ontario, la Colombie-Britannique et les Territoires du Nord-Ouest sont estimatifs. Dans les autres provinces et au Yukon, les chiffres pour 1997-1998 sont fondés sur des données préliminaires et ceux de 1998-1999 sont des estimations.



FFT en mars 1999. À son assemblée générale annuelle, en novembre, la Fédération a annoncé qu'elle procéderait, au cours des mois de novembre et décembre 1998, à la vérification des services offerts en français par le gouvernement territorial et qu'elle en examinerait les résultats à l'occasion du forum.

Le Conseil d'alphabétisation des Territoires du Nord-Ouest a reçu 984 textes dans le cadre de l'édition 1998 de son concours littéraire. Selon le directeur général, il s'agit d'une des meilleures années du concours pour ce qui est de la participation. Les textes en question ont été soumis en français, en anglais, en inuktitut, en kutchin, en langue des Esclaves du Sud et en dogrib.

En mars, la Commission d'établissement du Nunavut a tenu une conférence sur la politique linguistique à Iqaluit. Le commissaire en chef, John Armagaoalik, affirme dans l'introduction du rapport de la conférence que « les politiques concernant la langue utilisée quotidiennement dans l'administration du Nunavut et portant notamment sur la langue de travail, les pratiques de communication gouvernementales, la langue utilisée pour dispenser les services et les programmes, la langue d'enseignement et de communication dans les écoles, la réglementation officielle de la langue utilisée dans le secteur privé et autres questions linguistiques, doivent toutes être incorporées dans une politique linguistique sensée, socialement constructive et présente 50 recommandations qui seront étudiées par l'assemblée législative du Nunavut. La Commission d'établissement du Nunavut a déjà recommandé que l'inuktitut soit la langue officielle de travail du territoire.

Lors de la conférence, l'Association des francophones du Nunavut a présenté un mémoire intitulé *Nunavut, le beau défi*. Le porte-parole de l'Association, Daniel Cuertier, a affirmé aux dirigeants politiques inuit qu'il est naturel pour la minorité francophone du territoire de les appuyer dans leur lutte pour préserver leur identité culturelle. « En tant que peuple minoritaire au Canada, les francophones comprennent d'instinct les sens du combat minoritaire. Nous croyons que cette expertise du combat linguistique et culturel peut servir de référence historique au futur gouvernement du Nunavut s'il veut préserver les acquis culturels et linguistiques de la majorité de la population du territoire. »

Le mémoire souligne qu'il est difficile d'obtenir des services en français et impossible de faire des études secondaires dans cette langue, bien que plus de 10 p. 100 de la population d'Iqaluit soit francophone. Il mentionne également qu'une communauté francophone solide peut apporter une contribution essentielle au mieux-être de ce nouveau territoire, notamment en établissant des liens d'accès aux marchés francophones.

#### Les services fédéraux

L'article 29 de la *Loi sur le Nunavut* porte qu'à compter du 1<sup>er</sup> avril 1999, toutes les lois actuellement en vigueur dans les Territoires du Nord-Ouest seront applicables au Nunavut. De plus, l'article 38 précise que si le Nunavut veut modifier la *Loi sur les langues officielles* du Territoire du Nord-Ouest, il devra obtenir l'accord préalable du Parlement, à moins qu'il ne souhaite accroître les droits et les privilèges qui y sont énoncés.

Il faut reconnaître les efforts de Revenu Canada pour améliorer le service dans les deux langues officielles à son bureau de Yellowknife, où la prestation du service en français se faisait auparavant en vertu d'arrangements administratifs. Grâce au travail assidu du bureau régional d'Edmonton, qui a pu combler un poste bilingue à Yellowknife, la communauté franco-ténoise peut désormais obtenir un meilleur service dans sa langue.

Le 27 février 1998, les gouvernements fédéral et territorial ont signé une entente Canada-Territoires du Nord-Ouest sur le développement du marché du travail. La contribution de 19 millions de dollars du gouvernement fédéral est répartie sur quatre ans, à compter de l'exercice financier 1998-1999. À ce jour, la communauté franco-ténoise se dit satisfaite de la prestation des services en français offerts dans le cadre de cette entente.

Pour la communauté franco-ténoise, la période précédant la création du Nunavut en avril 1999 représente une étape importante durant laquelle il est essentiel de déterminer avec la plus grande précision les objectifs du gouvernement du Nunavut en matière de langues officielles. La communauté franco-ténoise s'est inquiétée de la publication d'annonces en anglais seulement par le bureau du Commissaire intérimaire du Nunavut. Nous examinons présentement les obligations de ce territoire au regard de la *Loi sur les langues officielles*.

À compter du 1<sup>er</sup> avril 1999, le Grand Nord canadien comprendra trois territoires : le Yukon, les Territoires du Nord-Ouest et le Nunavut. La création du nouveau territoire a souvent été au cœur des délibérations des communautés francophones cette année.

Lors d'une réunion de planification tenue les 23 et 24 mai, les représentants des communautés francophones de l'Arctique de l'Ouest ont adopté un plan quinquennal qui définit et évalue les différentes composantes de leur croissance jusqu'en 2004. Tous les secteurs d'activité ont été examinés : développement communautaire, communications, éducation, représentation, gestion et immobilisations. Des objectifs ont été fixés pour chacun de ces secteurs dans toutes les collectivités et associations, même dans les petites communautés où il n'y a pas encore d'association représentant les résidents de langue française.

Cet exercice de planification, qui couvre la période de 1999 à 2004 et s'inscrit dans le nouveau contexte géopolitique du Nord, a porté une attention particulière aux communautés francophones. Dans un communiqué de presse concernant la réunion de planification, la Fédération Franco-TéNOise (FFT) a fait connaître les préoccupations des francophones de l'Arctique de l'Ouest quant aux conséquences qu'aura sur eux la création du Nunavut en 1999 : « Les quelque mille francophones de ce coin du Grand Nord y vivront un triple isolement : géographique, puisque dispersé sur l'ensemble d'un immense territoire; ethnique, parmi une mosaïque de cultures; linguistique, car la langue dominante n'y est nulle part le français, qui vient plutôt en troisième place. »

Selon le document de planification rendu public le 30 octobre, la communauté francophone tente toujours d'obtenir l'entière gestion de ses écoles. Comme en faisait état le *Rapport annuel* de l'an dernier, les francophones ne gèrent que partiellement les deux écoles françaises des Territoires du Nord-Ouest (à Yellowknife et à Iqaluit), par l'entremise de deux comités de parents, appelés conseils scolaires francophones, qui relèvent de conseils scolaires de langue anglaise. Ces conseils scolaires, centrés sur les écoles, se voient déléguer certaines responsabilités : fournir des manuels et autre matériel didactique aux élèves, constituer des collections de ressources documentaires et audiovisuelles, et concevoir et administrer (en tenant compte de l'avis des éducateurs, des parents, des ayants droit aux termes de l'article 23 de la *Charte* et d'autres membres de la communauté) des programmes scolaires qui respectent les exigences du programme d'éducation.

En théorie, le droit à la gestion totale selon l'article 23 de la *Charte* ne semble s'appliquer qu'à une seule commission scolaire francophone de division. Bien que la *Loi* prévoie la création d'une telle commission scolaire, il est improbable qu'on puisse réunir le nombre d'élèves requis (500). Toutefois, le ministre se réserve le droit de fonder une telle commission scolaire si d'autres conditions sont respectées (comme l'existence d'au moins deux

conseils scolaires). Les deux conseils scolaires existent en fait depuis février 1996, mais celui d'Iqaluit est situé sur le territoire qui deviendra le Nunavut.

La communauté francophone se consacre actuellement à l'établissement, à Hay River, d'un programme de français langue maternelle qui entrera en vigueur en septembre 1999, ainsi qu'à la création d'un nouveau conseil scolaire. Les deux conseils, avec l'aide des parents des communautés visées, seront chargés de fonder une commission scolaire qui pourrait gérer à elle seule les programmes et les installations scolaires.

Selon le document de planification, il est peu probable que d'autres programmes de français langue maternelle soient instaurés à l'extérieur de Yellowknife et de Hay River d'ici à l'an 2004. Par conséquent, le réseau d'associations devra concentrer ses efforts sur la qualité du programme offert dans ces deux villes.

En août dernier, le président de la Commission scolaire francophone de Yellowknife, Jean-François Pître, était heureux d'annoncer l'attribution du contrat de construction de la nouvelle école Allain-Saint-Cyr à Clark Builders. Cette école pourra accueillir 150 élèves, de la 1<sup>re</sup> à la 9<sup>e</sup> année. En juin dernier, 62 élèves ont terminé l'année scolaire. Le conseil scolaire espère que la construction de la nouvelle école attirera un plus grand nombre d'élèves. « Nous pourrions ouvrir des classes pour les 10<sup>e</sup>, 11<sup>e</sup> et 12<sup>e</sup> années advenant une forte demande dans ce sens », a indiqué M. Pître. L'école pourra aussi fournir un local permanent à la garderie Plein Soleil, qui a connu plusieurs déménagements jusqu'ici.

Lors de l'assemblée générale annuelle de la FFT, le 8 novembre, les délégués se sont entendus sur la division des biens de la Fédération en prévision de la création du Nunavut et de la scission de l'Association des francophones du Nunavut. Le transfert des biens s'effectuera conformément à l'échéancier des paiements dressé, selon le principe général suivant : une compensation financière équivalant à 45 p. 100 de la valeur des biens de la FFT et de ses membres affiliés, en date du 31 mars 1999, sera versée par la FFT à l'Association des francophones du Nunavut.

La FFT a présenté à ses membres la version préliminaire d'un mémoire intitulé *À l'aube de l'an 2000, le français dans les Territoires du Nord-Ouest*, dont la version finale sera remise au gouvernement territorial, qui décrit la progression des services en français depuis 1984. La Fédération affirme en guise de conclusion que « plusieurs mesures ont été adoptées à cette fin par le gouvernement, qui a ainsi manifesté sa générosité et son intégrité,...[mais] beaucoup reste à accomplir ». Les nombreuses recommandations faites au gouvernement portent, entre autres, sur l'élaboration, l'adoption et la mise en œuvre de règlements en vertu de la *Loi sur les langues officielles* des Territoires du Nord-Ouest; la création d'un bureau des langues officielles chargé de faire appliquer cette *Loi*; ainsi que sur le financement d'un forum sur le français dans les Territoires du Nord-Ouest qu'organisera la



au CRH à Whitehorse aboutissaient à une boîte vocale dont le message était unilingue anglais. DRHC a tout de suite pris des mesures pour remédier à la situation. Maintenant, les clients téléphonent au CRH de Whitehorse sont mis en communication avec un agent bilingue. Si celui-ci n'est pas disponible, les clients peuvent laisser un message et on les rappelle rapidement.

Nous avons enquêté sur une plainte portée contre le ministère du Patrimoine canadien et une association qui avait reçu une subvention du Ministère afin d'organiser des activités pour la fête du Canada à Whitehorse. Cette association a refusé d'examiner la soumission d'une association francophone parce que le document était rédigé en français. Cela est inacceptable. Le comité national de la fête du Canada a convenu de s'occuper de cette question; nous suivrons ce dossier de près.

Des élèves de l'école francophone Emilie-Tremblay ont reçu des certificats en anglais lorsqu'ils ont visité le lieu historique national S.S. Klondike, qui relève de Parcs Canada. Ce certificat existe maintenant dans les deux langues officielles; on en a envoyé des exemplaires à l'école. Le Commissariat est à examiner une seconde plainte selon laquelle une bande vidéo au lieu historique S.S. Klondike n'est disponible qu'en anglais. Nous nous attendons à ce que des mesures correctives soient prises sous peu.

Nous poursuivons une enquête sur des accords de transfert signés par Santé Canada et le gouvernement du Yukon concernant, en particulier, l'Hôpital général de Whitehorse. Le plaignant prétend que ces accords ne garantissent pas aux francophones le droit d'être servis en français au Yukon, ce qui nuit au développement de la communauté d'expression française.

Notre enquête a révélé que ces plaintes sont fondées. Depuis le mois de mars, nous exhortons le personnel ministériel du Ministère à prendre des mesures afin de garantir le respect des droits linguistiques de la minorité de langue officielle du Yukon. Le Commissariat a proposé à Santé Canada d'instituer un mécanisme de recours pour examiner les plaintes des clients qui estiment que l'Hôpital général de Whitehorse n'a pas respecté leur droit d'être servis dans la langue de leur choix. De plus, nous nous attendons à ce que Santé Canada ajoute des clauses linguistiques aux contrats signés avec des tiers chargés de fournir des services de santé pour le Ministère. Nous croyons aussi que Santé Canada doit consulter la communauté francophone du Yukon dans le cadre de sa planification annuelle.

Au moment de mettre sous presse, le Ministère s'opposait à une intervention directe au nom des clients de l'Hôpital général de Whitehorse. En outre, Santé Canada n'a pas donné suite à nos suggestions relativement aux deux autres problèmes non réglés; le Commissaire a fait deux recommandations au Ministère concernant des mesures correctives.

Ministère. Quant à la Commission scolaire, elle est désormais responsable des coûts afférents au recrutement du personnel enseignant et dispose d'un budget à cet effet. La Commission scolaire francophone et le ministère de l'Éducation prépareront ensemble les demandes de financement qui seront soumises au ministère du Patrimoine canadien. L'école Emilie-Tremblay compte 111 élèves, dont 17 sont inscrits au secondaire.

De nombreuses questions ont été soulevées aux deux assemblées générales annuelles de la Commission scolaire francophone tenues en février et en septembre, notamment le transport scolaire, la consultation entre groupes communautaires au sujet de l'éducation, un projet de prématernelle et la viabilité du secondaire à l'école de langue française. Il y a eu deux assemblées générales annuelles cette année parce que les dossiers financiers de l'année scolaire 1996-1997 n'ont pu être fournis avant février 1998.

L'Association des partenaires de l'école française (APEF) a organisé, au début de mai, un colloque sur le développement culturel des élèves, de la petite enfance au niveau secondaire en vue de sensibiliser les parents et toutes les personnes intéressées à l'éducation en français, langue maternelle. À l'issue du colloque, la présidente de l'APEF, Julie Harvey, a fait valoir le délicat équilibre que représente l'importance de dispenser aux élèves une base solide en français tout en leur assurant la capacité de s'exprimer en anglais.

Le réseau radiophonique de langue française de Radio-Canada est accessible à Whitehorse depuis plus de six ans. Au départ, les seules émissions offertes provenaient de Montréal. Puis, en 1996, Radio-Canada Vancouver a commencé à rediffuser CBUF par satellite. Après avoir examiné les résultats d'un sondage et ceux d'un vote à une assemblée générale extraordinaire à ce sujet en février, l'AFY a décidé que le signal du réseau radiophonique de langue française de Radio-Canada à Whitehorse devait être celui de CBUF-FM Vancouver plutôt que celui de Montréal. Toutefois, le signal de la télévision de langue française de Radio-Canada n'est toujours pas offert gratuitement au Yukon.

Voici d'autres activités dignes de mention : le 26 mars, la communauté a célébré le 15<sup>e</sup> anniversaire du journal *L'Aurore boreale*; l'AFY a organisé un carnaval d'hiver avec cabane à sucre, sur la terrasse et à l'intérieur de l'édifice fédéral Elijah Smith; et à Whitehorse, de nombreux membres de la communauté francophone ont assisté au festival de musique Frostbite, auquel a participé le groupe francophone Inconnu.

## Les services fédéraux

Cette année, au Yukon, le nombre de plaintes est passé de onze à sept. La plupart portaient sur les communications écrites entre les institutions fédérales et le public.

Le Commissariat a fait enquête sur une plainte contre DRHC, selon laquelle les clients qui demandaient à être servis en français



général de Whitehorse; ni de l'échec de l'entente de transfert pour ce qui est d'assurer un mécanisme de recours et de réparation lorsque de tels services ne sont pas offerts.

Le Yukon a été l'hôte de la quatrième Conférence ministérielle sur les affaires francophones les 9 et 10 juillet. Les ministres responsables des Affaires francophones et des services en français y ont discuté des soins de santé, de la croissance économique et du transfert de responsabilités. Le chef du gouvernement du Yukon, Piers McDonald, a déclaré que son gouvernement est sensible aux besoins des Franco-Yukonnais en matière de soins de santé. Il a également fait état des difficultés qu'éprouve l'Hôpital général de Whitehorse à fournir régulièrement des services en français et des services d'interprétation convenable entre les médecins (les spécialistes surtout) et les patients. Il a affirmé que son gouvernement se penchait sur la situation. On convient généralement de l'importance d'assurer des services en français et de disposer d'un mécanisme de recours et de réparation efficace lorsque le gouvernement fédéral procède au transfert de responsabilités.

Depuis quelques années, le développement économique est devenu une priorité de l'AFY. L'association s'est fixée deux objectifs fondamentaux : la promotion de l'esprit d'entreprise chez les francophones et la réalisation d'activités économiques nouvelles ou améliorées.

L'AFY s'est dotée d'instruments de commercialisation et met en chanhier des activités qui permettront aux entrepreneurs de se faire connaître, de créer des réseaux et de partager leurs expériences de gens d'affaires. Depuis six ans, elle publie un annuaire des services de langue française qui ne cesse de croître d'une année à l'autre. Les commerces francophones de Whitehorse pourront bientôt afficher leurs produits et services sur un site Web, grâce à une initiative de l'AFY.

Pour obtenir des revenus à réinvestir dans la communauté, l'AFY avait mis sur pied, en 1996, la société Savoir Faire. En mars 1998, celle-ci a créé Evasion Nordik, une filiale qui offre des excursions d'aventure en toutes saisons, en partenariat avec des entreprises privées du Yukon. L'AFY envisage aussi de se joindre à *Ancient Voices*, un camp en pleine nature des Premières nations, afin d'offrir aux touristes un contact direct avec la culture autochtone. La distribution du jeu *Klondike*, mis au point par Savoir Faire, prend de l'ampleur grâce à l'aide d'un partenaire dans les régions du Saguenay–Lac Saint-Jean et de la Baie ainsi que de la Société de Maillardville (Colombie-Britannique).

En mars et en juin, deux ententes sont intervenues, l'une avec le ministère de l'Éducation concernant le financement de l'école Emile-Tremblay et l'autre avec la Commission scolaire francophone du Yukon au sujet des années scolaires 1997-1998 et 1998-1999. L'école jouit d'une plus grande marge de manœuvre pour choisir des livres en français dans des librairies de langue française et non plus seulement dans le catalogue du

Cette évaluation non officielle accorde au gouvernement un « B+ ». Il a obtenu de bonnes notes dans les domaines de l'éducation et de la justice, mais il doit améliorer les services en français offerts par le ministère de la Santé et des Affaires sociales. Selon le journal, la situation actuelle en matière d'éducation mérite un « A ». La première Commission scolaire francophone a été assermentée, toutes les activités pédagogiques à l'école Emile-Tremblay se déroulent en français, un directeur bilingue est responsable des services en français au ministère de l'Éducation, les communications administratives entre celui-ci et les écoles d'immersion en français se font dans cette langue, la collection de livres français à la bibliothèque publique de Whitehorse a été renouvelée et un ordinateur permettant d'effectuer des recherches en français a été acheté. Il faut également mentionner qu'un nouvel édifice abritant l'école Emile-Tremblay avait été officiellement inauguré en septembre 1996. La Commission scolaire estime que ses nouveaux locaux, propres et salubres, sa salle d'ordinateurs à la fine pointe de la technologie et son gymnase moderne sont autant d'atouts pour promouvoir l'éducation en français et favoriser l'inscription d'un plus grand nombre d'élèves.

La situation en matière de justice obtient elle aussi un « A ». Depuis 1993, des procès, dont certains devant jury, se sont déroulés en français à la Cour territoriale et à la Cour suprême; tous les documents ont été déposés en français et toutes les communications avec les accusés et les témoins francophones ont eu lieu dans cette langue. Un greffier bilingue offre en permanence une gamme de services juridiques et para-juridiques, des employés bilingues sont à la disposition du centre correctionnel communautaire pour établir des rapports avec les détenus et la GRC veille à l'offre active des services en français. Dans le domaine de la santé et des affaires sociales, la situation n'est que passable. Depuis 1993, un agent des services de santé bilingue, embauché à temps partiel, fournit des services en français et organise des activités de promotion de la santé; depuis 1994, un travailleur social bilingue assure la prestation d'une vaste gamme de services sociaux, mais le poste est vacant depuis avril 1998 et le restera jusqu'en avril 1999; il existe un poste à mi-temps de coordonnateur des services en français à l'Hôpital général de Whitehorse (il s'agit d'un poste temporaire d'une durée de trois ans). On continue toutefois de déceler d'importantes lacunes, plus particulièrement à l'hôpital.

Les membres de la communauté ne sont pas tous entièrement d'accord avec l'évaluation de *L'Aurore boréale*. L'Association franco-yukonnaise (AFY) n'aurait pas accordé une aussi bonne note dans le domaine de l'éducation. De plus, même si, dans l'ensemble, elle était d'accord avec la note attribuée aux services du gouvernement dans le secteur de la santé, elle a déploré que l'article n'ait pas fait mention du transfert des services de santé par le gouvernement fédéral; de l'absence de garanties précises et efficaces pour protéger le droit à des services en français, pourtant reconnu lorsque Santé Canada administrait l'Hôpital

En 1998, le nombre de plaintes recevables en Colombie-Britannique a chuté à 50, alors qu'il était de 83 en 1997. Cette diminution est en grande partie attribuable aux nombreuses plaintes déposées l'an dernier par la Fédération des francophones de la Colombie-Britannique (FFCB) après qu'elle eut vérifié la disponibilité des services dans les deux langues officielles dans toute la province. Aucune étude du genre n'a été entreprise cette année. Toutes les plaintes de la FFCB ont été examinées et réglées. Cependant, au moment de mettre sous presse, le Commissariat devait encore assurer le suivi des mesures prises pour combler les lacunes signalées en matière de dotation et apporter les changements requis dans les annuaires téléphoniques.

L'exactitude des listes des bureaux désignés pour fournir des services dans les deux langues officielles, publiées par le SCT, a été cette année encore un sujet de préoccupation. Les listes constituaient une importante source d'information pour les communautés minoritaires de langue officielle. Un des problèmes auxquels font face les clients a été porté à notre attention en octobre; un bureau fédéral qui avait déménagé depuis plus de deux ans figurait toujours à l'ancienne adresse, même si le ministère avait informé le SCT du changement.

Bien que DRHC ait fait l'objet de plusieurs plaintes cette année, le Ministère a fait des efforts considérables pour examiner et revivifier la prestation et l'offre active de ses services dans les deux langues officielles en Colombie-Britannique. Citons notamment le cas du Centre de ressources humaines (CRH) situé sur la 10<sup>e</sup> Avenue est à Vancouver, qui a été désigné l'an dernier comme bureau bilingue pour la région métropolitaine de Vancouver, en remplacement de l'ancien bureau désigné au Centre Sinclair. Un comité spécial a été formé à ce bureau pour examiner la qualité des services dans les deux langues officielles. La signalisation intérieure a été passée en revue, y compris les enseignes électroniques; des annonces d'offre active y ont été affichées bien en évidence; et des employés bilingues y ont été affectés afin de mieux servir les clients dans les deux langues officielles. Nos vérifications ponctuelles ont confirmé que la situation s'est améliorée à ce CRH. Le service dans les deux langues officielles est dorénavant inscrit en permanence à l'ordre du jour des rencontres des superviseurs. En outre, la langue de service est considérée comme faisant partie intégrante du service de qualité à fournir au public, et les gestionnaires en parlent régulièrement aux réunions avec le personnel de DRHC dans d'autres bureaux.

Nous avons été quelque peu étonnés de recevoir cette année plusieurs plaintes concernant l'absence de service en français au bureau de Revenu Canada sur la rue Pender ouest à Vancouver, car il avait été un modèle à suivre ces dernières années. Conformément à son engagement continu d'assurer un service dans les deux langues officielles, la direction du bureau a examiné les problèmes mis en évidence par les plaintes et a pris les mesures correctives voulues.

La Fête du Canada ne s'est pas déroulée sans incident dans la région métropolitaine de Vancouver cette année. Bien que les programmes des activités aient été publiés en français et en anglais, nous avons reçu d'un visiteur une plainte contre le ministère du Patrimoine canadien alléguant que les bénévoles distribués au Patrimoine canadien n'en avaient que des versions anglaises. Il est essentiel que le ministère du Patrimoine canadien veille à ce que les comités organisateurs de la Fête du Canada comprennent toute l'importance symbolique et pragmatique de l'utilisation des deux langues officielles à l'occasion de cette célébration nationale.

Une visite à la base navale d'Esquimalt, près de Victoria, a révélé que la prestation des services en français aux familles du personnel militaire présente encore des problèmes. Les personnes à charge des employés francophones de la Défense nationale n'ont toujours pas accès, sans frais supplémentaires, à divers services en français, dont ceux dispensés par les conseillers et les travailleurs sociaux. Nous avons l'intention de suivre ce dossier de près afin de garantir aux francophones l'accès aux services sociaux dans leur langue, sans frais supplémentaires.

L'administration aéroportuaire de Vancouver a, une fois de plus cette année, fait l'objet de plaintes. Celles-ci portaient sur l'absence de services dans les deux langues officielles à l'un des centres d'information de l'aéroport, sur la diffusion d'annonces en anglais seulement au comptoir d'embarquement de Canadien International et sur les annonces unilingues de cette même compagnie avant l'embarquement. La question des annonces unilingues d'Air Transat a également été soulevée par l'un des plaignants. Nous examinons depuis un certain temps les plaintes concernant la publication de l'aéroport intitulée *Skytalk*. Le dossier a été référé au SCT qui doit fournir aux intéressés des précisions en ce qui concerne les langues officielles.

Dans le *Rapport annuel* de l'an dernier, nous avions souligné que le bureau des Anciens combattants à Vancouver ne servait pas les anciens combattants en français, estimant que peu d'entre eux souhaitaient être servis dans cette langue, ce qui a donné l'impression que le Ministère ne se conformait pas à la *Loi* à cet égard. En fait, le ministère des Anciens combattants n'est pas tenu de servir les anciens combattants dans les deux langues officielles au bureau de Vancouver parce que la demande pour des services en français est inférieure aux critères énoncés dans le *Règlement sur les langues officielles*.

## LE YUKON

Dans un numéro paru en septembre, *L'Aurore boréale*, le journal de la communauté franco-yukonnaise, a publié, sous forme de bulletin scolaire, l'évaluation des services en français offerts par le gouvernement du Yukon et des progrès accomplis à cet égard depuis dix ans.



Francophonie canadienne. Le dividende que nous en retirerons est une société respectueuse des différences culturelles et linguistiques qui contribuent à notre épanouissement. »

En juin, le secrétaire d'État à la Diversification de l'économie de l'Ouest, Ronald Duhamel, a annoncé que son ministère investirait dans la Société de développement économique nouvellement créée par la FFCB. Cette société veut jouer un rôle clé dans le développement de la communauté francophone de la Colombie-Britannique.

En juillet, le Centre culturel francophone de Vancouver a lancé un nouveau journal de langue française, *l'Express du Pacifique*, pour combler le vide laissé après que *Le Soleil de Colombie-Britannique*, l'unique journal français de la province, eut fermé ses portes en avril en raison de difficultés financières, après 30 ans d'existence. Comme le rédacteur en chef l'a fait remarquer dans le premier numéro, la décision de publier un nouveau journal n'a pas été facile à prendre, mais puisque ces dernières années, le Centre culturel francophone de Vancouver a consacré beaucoup d'énergie à l'élaboration de programmes culturels destinés au grand public dans le cadre d'activités telles que le Festival d'été, le Coup de cœur francophone et la Nouvelle Scène, il est essentiel d'y attirer le public. « Notre plus grande hantise était de nous imaginer privées d'un journal en langue française pour une période de temps prolongée. »

Le Centre culturel français de l'Okanagan, qui célébrait son vingtième anniversaire, a organisé plusieurs activités, dont une exposition d'art contemporain où étaient présentées les œuvres d'artistes francophones locaux.

Le neuvième Festival francophone d'été de Vancouver a accueilli de grands noms de la chanson et des artistes renommés qui ont donné des spectacles dans toute la région de Vancouver. La principale vedette du Festival a été Jean Leloup, auteur-compositeur québécois, qu'on a pu voir sur scène le 13 juin. De nombreux artistes francophones de la Colombie-Britannique ont également été au rendez-vous, dont Isabelle Longnus, le groupe Ti Rabyzy, le chœur Léoni, Alpha Yaya Diallo et les Cordes en folie.

En octobre, un centre d'aide à l'emploi francophone a ouvert ses portes à Victoria, grâce à une subvention de 100 000 \$ de DRHC. Bien que nombre de résidents francophones de la région se soient déjà présentés au centre, le directeur exécutif estime qu'il faut en premier lieu déterminer les entreprises à la recherche de personnel bilingue.

La communauté francophone de la Colombie-Britannique est devenue la troisième en importance en dehors du Québec, après celles de l'Ontario et du Nouveau-Brunswick. Selon les données du recensement de 1996 de Statistique Canada, il y a maintenant 57 000 Britannno-Colombiens dont la langue maternelle est le français, soit une hausse de 10 p. 100 depuis 1991; la communauté francophone de l'Alberta, qui compte 55 000 membres, suit immédiatement.

Lors de sa 53<sup>e</sup> assemblée générale tenue en juin sous le thème « Une place à prendre — Une identité à affirmer », la FFCB a discuté de plusieurs questions, notamment de l'entente Canada-communauté qui doit prendre fin en 1999. La présidente de la FFCB, Diane Côté, a résumé ainsi les points de vue de toutes les associations francophones de la province : « Le gouvernement fédéral doit mettre à la disposition de notre communauté des budgets de programmation et de développement qui permettront de consolider les acquis rendus possibles avec la signature de la dernière entente. »

Dans un mémoire présenté en juin au groupe de travail chargé d'étudier les effets des transformations du gouvernement sur le programme des langues officielles, la FFCB a exposé les répercussions des divers programmes dans ce domaine sur le développement de sa communauté. La Fédération a signalé que les ressources humaines ont été réduites sans tenir compte de leur incidence sur la capacité d'un ministère de respecter ses obligations linguistiques. Elle a donc annoncé son intention de mener en 1999 une autre vérification des services en français dans les bureaux fédéraux désignés bilingues et d'entamer des poursuites contre les bureaux ne pouvant dispenser des services bilingues entreprise par la FFCB en 1997, 22 p. 100 des bureaux ne pouvaient satisfaire à leurs obligations linguistiques.

Dans son mémoire, la FFCB souligne que dans les cas où les services étaient privatisés ou si la responsabilité en était transférée à d'autres ordres de gouvernement, non seulement la situation était moins satisfaisante, mais les recours étaient aussi moins disponibles. En outre, malgré une certaine amélioration constatée cette année dans les mesures prises par certains ministères en vertu de la Partie VII de la *Loi sur les langues officielles*, la Fédération estime que « après près de quatre ans d'application de la politique annoncée par le premier ministre Chrétien, les résultats tardent à se manifester ». Elle en est venue à la conclusion qu'il fallait établir un cadre d'action et un échéancier pour appliquer rigoureusement la *Loi*.

En octobre, la présidente de la FFCB a profité des consultations tenues à Vancouver avant le budget pour insister sur l'importance que le gouvernement fédéral réitère son engagement envers les communautés minoritaires de langue officielle. Tenant compte des nombreux besoins de la communauté francophone, Mme Côté a présenté aux membres du Comité permanent des finances de la Chambre des communes les recommandations suivantes : que le Conseil des ministres accueille favorablement les initiatives proposées par la ministre du Patrimoine canadien et accorde les fonds nécessaires pour leur mise en œuvre, et que les fonds consacrés aux Programmes des langues officielles dans l'enseignement soient majorés de sorte que le gouvernement fédéral respecte ses engagements en vertu de l'article 23 de la *Charte canadienne des droits et libertés*. Madame Côté a terminé son exposé devant le Comité en ces termes : « Ce que nous demandons c'est un investissement dans le capital humain de la



réitéré à l'administration aéroportuaire ses obligations en matière de langues officielles pour ce qui est des services conventionnés qui relèvent de sa compétence, car c'est elle qui est en effet tenue de s'assurer que les exigences du Règlement sont respectées par les tiers.

Il faut souligner les efforts du bureau de Revenu Canada à Edmonton. Rappelons qu'en 1997, les plaintes à l'encontre de ce bureau portaient surtout sur le service téléphonique inéquitable dans les deux langues officielles lorsqu'on voulait obtenir des renseignements généraux. Les mesures prises par le Ministère semblent avoir corrigé la situation puisqu'aucune plainte n'a été enregistrée en 1998 durant la période de la remise des déclarations d'impôt sur le revenu.

Encore une fois cette année, l'éducation a été au cœur des préoccupations de la communauté francophone de la Colombie-Britannique. Le 27 mars, l'Assemblée législative a approuvé un décret qui étendait les pouvoirs du Conseil scolaire francophone (CSF) à l'ensemble de la province, ce qu'attendait depuis longtemps l'Association des parents francophones de la Colombie-Britannique (APFCB). Ainsi, depuis le 1<sup>er</sup> juillet, les régions du centre de l'Okanagan, de la côte Sunshine, de Powell River, de la baie Howe, de Prince George, de Nanaimo-Ladysmith, de Qualicum et de Comox Valley relèvent du CSF; les autres régions suivront le 1<sup>er</sup> juillet 1999. Comme l'APFCB l'a souligné dans un communiqué publié à ce moment-là, c'est « un autre pas dans la bonne direction ». Cependant, selon le président de l'APFCB, Daniel Le Scellier, l'extension des pouvoirs du CSF « donne au Conseil une plus grande responsabilité sans pour autant régler le problème fondamental des établissements scolaires et des ressources ».

Les parents francophones sont donc retournés devant les tribunaux en septembre pour tenter de rendre la loi scolaire d'avantage conforme à l'article 23 de la *Charte canadienne des droits et libertés*. La Fédération des parents francophones de Colombie-Britannique (anciennement l'APFCB) et la Fédération des francophones de la Colombie-Britannique (FFCB) voulaient obtenir un financement suffisant pour le CSF ainsi qu'un mécanisme d'arbitrage qui réglerait des questions comme la location d'écoles et l'octroi de fonds pour les immobilisations.

En sa qualité d'intervenant dans l'affaire, le Commissaire a présenté des observations liées à l'article 23 de la *Charte* et fourni plusieurs exemples de mécanismes de résolution de conflits adoptés au Manitoba et en Ontario.

Dans le jugement qu'il a rendu en novembre, le juge Vickers a déclaré que le gouvernement de la Colombie-Britannique devait promulguer des textes, législatifs ou réglementaires, établissant un mécanisme de règlement des différends, en vue du règlement des différends qui pourraient surgir dans la mise en

## LA COLOMBIE-BRITANNIQUE

œuvre de l'exécution des transferts d'actifs, dans la cogestion des actifs partagés et dans les négociations portant sur le bail des installations qui n'étaient pas transférées, et tout autre désaccord entre le CSF et un conseil scolaire majoritaire. Le juge Vickers a déterminé que les parties devant être mises à contribution dans le règlement des différends seraient le CSF, tout conseil scolaire majoritaire et les représentants désignés du ministère de l'Éducation.

Entre-temps, le CSF formé en juillet 1995 en vertu d'un règlement d'application de la loi scolaire, a poursuivi ses travaux pour instaurer un système d'éducation francophone. Pour donner suite à son plan quinquennal intitulé *Vers le nouveau millénaire*, élaboré en 1997, le CSF a dressé cette année un plan d'immobilisations après avoir consulté la communauté.

Parmi les éléments jugés essentiels dans le plan d'immobilisations, il y a les services de garderie et d'éducation préscolaire. Le transport par autobus, un programme d'enseignement de l'anglais de la 4<sup>e</sup> à la 12<sup>e</sup> année, des cours sur les technologies de pointe ainsi que la participation des parents et de la communauté. Le plan d'immobilisations comportait, entre autres volets importants, la construction d'une nouvelle école, abritant les classes de la maternelle à la 12<sup>e</sup> année, pour servir les francophones demeurant à Vancouver, à Burnaby est et ouest et à Richmond. Le nouvel établissement, qui remplacera l'école Anne-Hébert, l'école Rose-des-vents (annexe) et le programme d'études secondaires à Kitsilano, accueillera jusqu'à 800 élèves. En outre, au début d'octobre, le CSF a fait l'acquisition de terrains où seront construites les écoles de Coquitlam et de Surrey, et il en cherche d'autres à Prince George et à Nanaimo.

La mission du CSF sera réalisée grâce à des plans d'amélioration établis par les parents, les élèves, les enseignants et la communauté locale. Les communautés de l'école Brodeur à Victoria et de l'école La Vérendrye à Chilliwack ont déjà mis au point des plans qui précisent les valeurs et les exigences fondamentales essentielles au développement d'un jeune francophone. Toutes les écoles francophones finiront par dresser leur propre plan d'améliorations. En 1998-1999, le CSF a aidé les communautés de Comox-Courtenay, de Surrey, de Powell River et de Kelowna à mettre en place leur projet éducatif.

Le 7 février, le CSF a approuvé la création de classes de maternelle à temps plein à chaque école relevant de sa compétence, à compter de septembre 1998. Cette décision est fondée sur un rapport de deux projets pilotes, l'un mené à l'école Andé-Piolat, à North Vancouver, et l'autre à l'école North Poplar, à Abbotsford, intitulé *La maternelle à temps plein : On y gagne tous*. Le rapport décrit les avantages manifestes que retirent les enfants lorsqu'ils se trouvent dans un milieu francophone toute la journée.

Les plans en vue de l'établissement de centres scolaires et à communautés se poursuivent à Prince George, à Kelowna et à Victoria.

Par ailleurs, l'Université Athabasca, qui offre un programme de formation à distance depuis 1972, a conclu une entente avec la Télé-Université de l'Université du Québec. Dès septembre 1999, cet accord donnera à des étudiants des deux provinces un accès à une formation à distance bilingue et complète.

Pour ce qui est du centre culturel et commercial de la Cité francophone à Edmonton, il répond aux vœux depuis longtemps exprimés par les Franco-Albertains d'allier les dimensions économique, culturelle et sociale dans un centre qui reflète leur réalité. La Cité fait office de centre d'entraide et de services à la communauté.

La première année d'activités des centres scolaires et communautaires de Calgary et de Fort McMurray confirme l'importance de la vie communautaire pour la vitalité d'une minorité. Avec les écoles qu'ils abritent, ces centres deviennent des milieux de vie et de solidarité. La crainte de l'isolement, par exemple, est de beaucoup réduite grâce à ces centres multifonctionnels.

En mars 1998, l'Association multiculturelle francophone de l'Alberta (AMFA) a tenu un forum intitulé « L'expérience de la différence culturelle par les immigrants francophones ». Le ministère du Patrimoine canadien a offert des sessions de formation à l'AMFA en vue d'accueillir et d'intégrer les immigrants francophones de diverses origines ethniques.

La fondation de la Chambre économique de l'Alberta ajoute un nouvel instrument de développement à la province. Cet organisme se réjouit du fait que le bilinguisme constitue une « valeur ajoutée » qui attire les investissements. Les emplois bilingues dans le secteur des télé-services augmentent rapidement, notamment dans la ville de Calgary.

Le Réseau de l'information (RDI) est largement diffusé en Alberta. Nous regrettons cependant que les régions de Grande Prairie, de Saint-Paul, de Rivière de la Paix et de Plamondon attendent encore cet important service. Par contre, les francophones de Thorsby et de Bonnyville peuvent maintenant capter CHFA, la première chaîne de Radio-Canada. Aussi, TVA a obtenu du CRTC le statut de chaîne nationale à diffusion obligatoire. Par conséquent, à partir du mois d'avril 1999, ce réseau sera disponible sur le service de base des cablodistributeurs.

#### Les services fédéraux

Le nombre de plaintes déposées en 1998 s'est établi à 56, comme par le passé, la majorité d'entre elles visaient l'absence de service en français. Neuf plaintes mettaient en cause Air Canada (les annonces d'embarquement, le service au comptoir et des annonces publiées dans la presse anglaise seulement); malgré les mesures prises par la Société pour rectifier la situation, celle-ci demeure précaire.

La conférence biennale de l'Association internationale pour l'effort volontaire, tenue à l'Université de l'Alberta au mois



la clientèle d'expression française en toute circonstance. Nous avons formulé des recommandations précises à l'endroit des bureaux visités afin qu'ils apportent les correctifs appropriés. Rappelons qu'il existe présentement 141 bureaux désignés bilingues sur 1 057 en Saskatchewan.

Cette année, 52 plaintes recevables ont été déposées contre des institutions fédérales, comparativement à 27 l'an dernier. Cette hausse s'explique par une concentration de 46 plaintes concernant la langue de communication dans les médias. Les institutions fédérales devront veiller au respect des articles 11 et 30 de la *Loi sur les langues officielles* dans les contrats ou ententes avec des agences de publicité et avec des tiers qui administrent des programmes pour leur compte.

L'année 1998 a été marquée par le transfert à la province de responsabilités précédemment assumées par DRHC en matière de formation de la main-d'œuvre. La Saskatchewan a été la neuvième province à signer une entente sur le développement du marché du travail. Aux termes de l'entente, la province assume la pleine responsabilité de la conception, de la gestion et de la prestation des programmes et des services d'emploi. L'entente fédérale-provinciale qui a donné lieu au transfert et qui contient des clauses devant assurer la disponibilité de services dans les deux langues officielles là où la demande le justifie a été favorablement accueillie par l'ACFC. L'Association a été pendant déployé l'absence d'un mécanisme de recours et de redressement. L'ACFC continue à exhorter la communauté à demeurer vigilante et demande aux partenaires de l'entente de respecter l'assurance qui lui a été donnée de siéger aux comités d'évaluation des programmes. Quatre bureaux de DRHC offrent des services en français, à Saskatoon, à Regina, à Prince Albert et à Moose Jaw.

## L'ALBERTA

La communauté franco-albertaine bénéficie depuis un an de nouvelles institutions d'importance : la Cité des Rocheuses de Calgary, la Cité francophone à Edmonton et les centres scolaires et communautaires de Calgary et Fort McMurray. La Cité des Rocheuses a notamment permis de dynamiser les organismes francophones locaux et de favoriser la réalisation de nombreux projets, mais en fin d'année sa santé financière était chancelante et source de grandes inquiétudes.

La structure scolaire actuelle, qui comprend trois conseils de coordination et trois conseils scolaires, a été remise en question par le ministre de l'Éducation de l'Alberta. Celui-ci a suggéré la mise en place d'un seul conseil scolaire francophone. La Fédération des parents francophones de l'Alberta (FPFA) et l'Association



d'être afin de se donner un nouvel élan. Un comité conjoint constitué de représentants du Collège, du ministère de l'Éducation et de la communauté fransaskoise a examiné cette question. Le comité a recommandé l'octroi au Collège du statut de collège communautaire afin d'accroître son rayonnement. Les négociations avec le ministère de l'Éducation se poursuivent.

À la suite du dépôt du rapport sur la restructuration de la gouvernance fransaskoise, les États généraux II ont eu lieu en avril 1998. À cette occasion, les délégués ont appuyé une résolution voulant que l'Association culturelle franco-canadienne (ACFC) de la Saskatchewan révisé ses statuts et devienne une assemblée communautaire fransaskoise. Ce changement tend à faire de cette association un porte-parole plus efficace et représentatif.

L'entente Canada-communauté en Saskatchewan vise principalement à développer l'économie, à normaliser la vie française, à mettre les communautés en rapport les unes avec les autres et à promouvoir les expressions culturelles et artistiques ainsi que les activités récréatives et sportives en français. Malheureusement, depuis 1992, le budget des ententes Canada-communauté a diminué de façon radicale.

Santé Canada subventionne une garderie de langue française à Saskatoon. L'engagement du gouvernement fédéral en vertu de l'article 41 de la *Loi sur les langues officielles* devrait inciter le Ministère à subventionner d'autres garderies de langue française et à inclure dans ses critères de subvention le facteur de l'isolement linguistique.

Les forums économiques constituent des lieux privilégiés pour favoriser la concertation entre les diverses personnes responsables de la prospérité d'une région. En janvier 1998, le Conseil de la coopération de la Saskatchewan (CCS) a organisé le deuxième Forum économique fransaskois sous le thème « Valeur ajoutée : les stratégies de l'avenir ». Ce colloque a permis d'élaborer des stratégies visant à promouvoir le développement économique de la communauté, particulièrement par l'essor de l'industrie touristique. De plus, le CCS et l'ACFC ont entrepris une étude des centres communautaires fransaskoises de la province, financée par DRHC et la Banque de développement du Canada.

La Fondation fransaskoise, née de la fusion de la Fondation de la radio française de la Saskatchewan et du Fonds fransaskois, a accordé un appui financier à des organismes fransaskoises de la province. La Coopérative des publications fransaskoises, qui publie l'hebdomadaire *L'Eau vive*, a reçu le montant le plus élevé. Le ministère de la Justice de la Saskatchewan a amorcé en 1994 un programme de traduction des lois de la province. Résultats : plus de 30 lois bilingues sont aujourd'hui publiées dans le *Recueil des lois de la Saskatchewan*. L'Association des juristes de langue française de la Saskatchewan a entrepris, en collaboration avec l'ACFC, une recherche intitulée *Opération définition* pour déterminer les services en français qui pourraient être offerts en Saskatchewan.

## Les services fédéraux

En mai dernier, le Commissaire s'est rendu à Regina pour y rencontrer la présidente de l'ACFC, Lorraine Archambault, et le directeur général, Louis Émond. Il a passé en revue les dossiers importants de la communauté et a précisé des démarches utiles auxquelles il a donné suite.

Lors du centenaire de la fondation de la paroisse Saint-Maurice, Bellegarde a accueilli la 19<sup>e</sup> Fête fransaskoise. Malgré l'importance de cet événement, l'avenir de la Fête fransaskoise semble incertain. La Commission culturelle fransaskoise a donc décidé de consulter la communauté sur cette question.

L'hebdomadaire *L'Eau vive* a obtenu plusieurs prix d'excellence de l'Association de la presse francophone. En outre, le 20<sup>e</sup> anniversaire de la fondation de la Société historique de la Saskatchewan nous fournit l'occasion de souligner la contribution remarquable de ce journal à l'étude de l'histoire des Fransaskois.

Radio-Canada fonctionne en Saskatchewan avec des ressources considérablement réduites. Les émissions *L'accent francophone* et les actualités régionales du RDI sont les deux principales émissions qui couvrent les événements de la communauté fransaskoise. Par ailleurs, une radio communautaire a été inaugurée à Gravelbourg, en octobre, et à compter du mois d'avril 1999, le réseau TVA sera offert sur le service de base de tous les cablodistributeurs.

Selon l'ACFC, l'Office de coordination des affaires francophones devrait reprendre son rôle de liaison auprès de la communauté fransaskoise.

Le rapport de notre étude spéciale des bureaux fédéraux désignés bilingues en Saskatchewan a été publié en septembre 1998. Les résultats obtenus pour l'ensemble de la province sont généralement insatisfaisants. Si l'affichage, la signalisation et la disponibilité de documents existent habituellement dans les deux langues, il en est tout autrement des services au téléphone ou en personne. L'enquête menée auprès de 37 bureaux désignés bilingues montre que la disponibilité du service en français au téléphone n'était constante que dans une proportion de 67 p. 100. Le service en français en personne a été obtenu dans seulement 61 p. 100 des bureaux visités. Plusieurs bureaux n'avaient pas de personnel bilingue sur place et plusieurs autres ne pouvaient compter que sur un seul employé bilingue. Cette situation est inadmissible. Les bureaux désignés pour offrir des services dans les deux langues doivent avoir suffisamment de personnel bilingue pour servir

donnera à celle-ci l'occasion de participer à l'élaboration de programmes et de services et de contribuer à leur mise en œuvre. Il lui servira également de tribune où discuter d'égal à égal de sujets touchant plusieurs ministères et favoriser les communications avec les autres ordres de gouvernement. La création du sous-comité marque une étape importante dans la réalisation de l'engagement du gouvernement à appuyer le développement de la communauté franco-manitobaine.

Un contrat de deux ans, qu'avait accordé à une entreprise privée le bureau régional du ministère du Patrimoine canadien afin d'appuyer la mise en œuvre de l'article 41 de la Loi par les principales institutions fédérales au Manitoba, a pris fin cette année. L'établissement de partenariats durables avec diverses institutions fédérales a permis de mettre sur pied plusieurs projets concrets avantageux pour la communauté, signe que les initiatives interministérielles sont profitables. Ces initiatives ont facilité l'accès aux programmes fédéraux et permis un meilleur contact avec les organismes fédéraux. Les travaux réalisés dans le cadre de ce contrat ont aidé la communauté franco-manitobaine à dresser un plan de développement global qui lui permettra de resserrer les relations et la collaboration avec les institutions fédérales, conformément à l'esprit de la Partie VII de la Loi.

Un autre fait remarquable mérite d'être mentionné. Lors d'une activité spéciale tenue à Ottawa en septembre, le président du Conseil du Trésor, Marcel Massé, a tenu à féliciter le Centre des ressources humaines du Canada à Saint-Boniface, pour son dévouement et l'excellence des services en français qu'il a fournis lors de l'inondation du siècle qui a frappé le Manitoba en 1997.

## LA SASKATCHEWAN

Le Conseil scolaire saskatchewain, dont la création a été annoncée en 1997, a été mis en place le 1<sup>er</sup> janvier 1999. Ce conseil résulte de la fusion des neuf conseils scolaires qui ont été établis par suite de l'instauration de la gestion scolaire en 1994. Le Conseil général des écoles saskatchewaines et l'Association des parents saskatchewains ont organisé des séances d'information afin de faciliter cette importante transition.

Les centres scolaires et communautaires Le Carrefour des Plaines de Regina et Le Carrefour de Prince Albert constituent aussi des réalisations d'envergure. Ces centres permettent de réunir sous un même toit, outre l'école, plusieurs organismes communautaires.

Malgré ces développements positifs, certains problèmes subsistent dans le milieu scolaire. L'établissement d'une école française à Zenon Park a entraîné d'importantes difficultés et, à l'issue d'un long différend, la Cour d'appel de la Saskatchewan a obligé l'école d'immersion de Zenon Park à partager ses locaux avec l'école francosaskatchewaine Notre-Dame-des-Vertus. Par ailleurs, le Collège Mathieu de Gravelbourg, qui a maintenant 80 ans, s'est penché sur sa mission et sur sa raison

d'investissement de 500 000 \$ du ministère de la Diversification de l'économie de l'Ouest et de 50 000 \$ du ministère de l'Industrie, du Tourisme et du Commerce du Manitoba pour le financement d'initiatives économiques novatrices. Son rapport, *Profil économique des communautés francophones de l'Ouest*, tient compte de la structure économique, de la qualité des emplois, de l'intégration au marché du travail et de la scolarité de la main-d'œuvre.

Malgré une augmentation du transfert de la langue parlée à la maison du français à l'anglais, il est encourageant de constater la valorisation sans cesse croissante du bilinguisme sur le plan économique. Ainsi, Winnipeg est devenu un important centre de télé-services bilingues. Souignons la création, le 1<sup>er</sup> octobre 1998, de la Corporation de développement économique Riel, qui regroupe les quartiers Saint-Boniface, Saint-Norbert et Saint-Vital. Cette société favorise la cohésion de la communauté dans des projets de développement économique. Signalons également le 25<sup>e</sup> anniversaire du Francofonds. Depuis sa création, cette fondation a accordé plus de 800 000 \$ à la communauté sous forme de bourses d'études, de contributions à des groupes culturels et mouvements jeunesse ainsi qu'à des publications.

Le Commissaire a suivi de près tous ces dossiers et a eu plusieurs rencontres avec la SFM et d'autres organismes communautaires, tant à Winnipeg qu'à Ottawa.

## Les services fédéraux

Plus de 25 p. 100 des 64 plaintes recevables déposées contre des institutions fédérales au Manitoba en 1998 avaient trait aux services téléphoniques. Lorsqu'un service n'est pas offert clairement et explicitement au public dans la langue de son choix, la demande dans la langue minoritaire baisse systématiquement. Malheureusement, cette absence de services téléphoniques dans les deux langues reflète assez fidèlement les résultats du suivi de 1997 consécutif à notre rapport sur les bureaux désignés, selon lesquels dans 33 p. 100 des cas il était impossible d'obtenir des services dans les deux langues officielles au téléphone. Les résultats complets de notre étude de suivi de 1997 pour le Manitoba ont été publiés en mai 1998.

Les plaintes concernant les lacunes des services bilingues reçus au sol par le public voyageur ont considérablement augmenté en 1998 par rapport à 1997, et les communications en personne ne se sont guère améliorées. Revenu Canada, la Gendarmerie royale du Canada, la Société canadienne des postes et Air Canada ont été mis en cause dans plus de la moitié des plaintes.

Deux importantes réalisations des institutions fédérales au Manitoba ont contribué à la mise en valeur des langues officielles. En octobre, le Conseil fédéral du Manitoba a mis sur pied un sous-comité des langues officielles composé de hauts fonctionnaires fédéraux et de représentants des grands secteurs prioritaires de la communauté franco-manitobaine. Ayant pour mandat de favoriser l'épanouissement de la communauté francophone, le sous-comité



Manitoba sur la gestion scolaire. La Fédération provinciale des comités de parents (FPCP) a décidé de contester devant les tribunaux la constitutionnalité de la loi scolaire. Cette loi impose à la DSFM des contraintes financières et administratives qui, selon la FPCP, nuisent à l'application équitable de l'article 23 de la *Charte* et du jugement de la Cour suprême du Canada dans le Renvoi manitobain de 1993.

L'école de Saint-Claude fait maintenant partie de la DSFM. Les parents de cette localité ont voulu s'assurer que l'école bénéficierait d'installations adéquates et permanentes. À cette fin, et face au refus du ministère de l'Éducation d'accorder un financement à la DSFM pour la construction d'une école, ils ont couragement décidé de financer eux-mêmes ce projet. La communauté de Saint-Vital appuie aussi un projet de construction d'un centre scolaire et communautaire en vue d'assurer un meilleur accès aux études en français de niveau secondaire à la communauté francophone de Winnipeg-Sud.

Le financement du Collège universitaire de Saint-Boniface (CUSB) a bénéficié d'une aide ponctuelle du ministère du Patrimoine canadien et du gouvernement provincial dans le cadre du Programme des langues officielles dans l'enseignement. Cet apport permettra au Collège de donner suite au rapport *Vent dans les voiles*, qui expose la mission et les orientations stratégiques et de développement du Collège. Celui-ci espère doubler ses effectifs au cours des cinq prochaines années.

L'Internet ouvre de nouvelles avenues à l'enseignement en français. Le cours « Introduction à la psychologie » du CUSB est offert sur Internet et de nombreux étudiants s'y sont inscrits. Mentionnons aussi la collaboration en télé-éducation du CUSB et de l'Université de Moncton qui offre la possibilité de suivre en français des études de maîtrise en administration des affaires.

En juin, le juge Richard Châtier a déposé son rapport sur la politique des services en français du gouvernement manitobain. Ce rapport, intitulé *Avant toute chose, le bon sens : un rapport et des recommandations sur les services en français au sein du gouvernement du Manitoba*, a été préparé à la demande du ministre de la Santé et ministre responsable des services en langue française, Darren Praznik. Il examine l'énoncé de la politique en matière de services en français et recommande des améliorations. Il propose entre autres de faire coïncider les frontières des régions désignées bilingues avec les limites des municipalités et d'établir des centres de services communautaires (CSC) dans ces régions. Ces CSC réuniraient dans un même établissement le personnel bilingue de divers ministères et permettraient ainsi d'accroître l'usage du français comme langue de travail et, surtout, comme langue de service. Le rapport recommande également que l'Hôpital général de Saint-Boniface offre davantage de services de santé en français. Il indique que moins de 15 p. 100 des infirmières et des médecins de cet établissement sont en mesure d'offrir des services en français. Selon le rapport, il faut former davantage de professionnels francophones et bilingues de la santé.

Le rapport Châtier recommande aussi d'établir une division bilingue de la Cour provinciale du Manitoba à Saint-Boniface. Le Groupe de travail pour l'amélioration des services en français au sein du système judiciaire du Manitoba a par ailleurs proposé au ministre de la Justice de la province diverses mesures pour favoriser l'accès à la justice en français. En outre, l'Association des juristes d'expression française du Manitoba, avec qui le Commissaire a eu des entretiens soutenus au cours de l'année, a produit une vidéocassette d'information sur l'accès à la justice en français, destinée aux écoles.

Le rapport du Commissaire aux langues officielles sur les transformations au sein du gouvernement fédéral a mené à la création par le Conseil du Trésor d'un groupe de travail sur cette question. Dans un mémoire présenté à ce groupe, la Société franco-manitobaine (SFM) a déclaré que la dualité linguistique n'a pas été suffisamment prise en compte lors des transformations gouvernementales. Elle recommande la création de CSC à guichet unique. Pour ce qui est du transfert de la responsabilité du développement des ressources humaines et de la formation professionnelle au Manitoba, une structure de concertation a été établie entre la SFM et DRHC pour faciliter la gestion du Programme de création d'emplois communautaires.

Lors de son assemblée générale annuelle, la SFM a adopté un plan global de développement de la communauté franco-manitobaine qui précise les priorités et les orientations stratégiques. Ce plan, qui a fait consensus, servira de toile de fonds aux prochaines négociations lors du renouvellement de l'entente Canada-communauté.

Le Centre du patrimoine à Saint-Boniface a été inauguré le 25 septembre. À cette occasion, le secrétaire d'État responsable de la Diversification de l'économie de l'Ouest, Ronald Duhamel, a souligné l'importance de ce centre de conservation et de recherche consacré à la promotion du patrimoine francophone et métis du Manitoba. Soulignons que les archives du diocèse de Saint-Boniface ont été déposées au Centre et que ces documents relatent l'histoire de la province depuis sa fondation.

L'hebdomadaire *La Liberté* s'est vu attribuer le titre de « Journal de l'Année » et a remporté neuf prix d'excellence décernés par l'Association de la presse francophone. Une dynamique campagne d'abonnements à l'occasion du 85<sup>e</sup> anniversaire de ce journal lui a permis d'accroître son rayonnement. Le « 100 Nons », la boîte à chansons qui a permis à la jeunesse franco-manitobaine de se produire en public, fête cette année son 30<sup>e</sup> anniversaire.

Le Conseil de développement économique du Manitoba a organisé le deuxième Forum des gens d'affaires francophones. Plus de 400 personnes provenant de l'ensemble du Canada et de la région de Deux-Sèvres en France ont participé aux délibérations. L'une des principales recommandations du Forum suggère de développer un réseau touristique francophone pancanadien. Le Conseil a reçu un fonds



La Défense nationale a fait l'objet de 13 plaintes, dont quelques-unes concernaient des adresses Internet du Ministère non disponibles dans les deux langues officielles. D'autres avaient trait à l'absence de certains services en français au Centre de ressources pour les familles de Petawawa. La documentation sera désormais disponible dans les deux langues officielles et des fonctionnaires s'emploient à fournir d'autres services en français au Centre afin de respecter les obligations linguistiques établies par la politique ministérielle sur les services aux familles des militaires.

Le Centre d'Immigration Canada (CIC) à Etobicoke a fait l'objet d'une enquête approfondie dont a été chargé le bureau régional de l'Ontario après que le Commissariat eut reçu deux plaintes dénonçant la non-disponibilité de services d'établissement en français. Ce CIC est le seul à offrir des services d'établissement dans la région métropolitaine de Toronto. Par suite de notre évaluation, le CIC d'Etobicoke a été désigné bilingue.

Encore cette année, la communauté francophone s'est intéressée de près au Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) et notamment aux règles et aux conditions en vertu desquelles les télédiffuseurs diffusent les émissions des chaînes de télévision françaises, comme TV-5 et TVA, partout en Ontario. Tenant compte de ces préoccupations et de son propre objectif d'accroître le contenu canadien et le nombre de réseaux de télévision à caractère général, le CRTC a décidé que

TVA sera diffusé par les télédiffuseurs non seulement en Ontario, mais dans tout le pays. Il en résultera une programmation plus équitable dans les deux langues officielles.

Une plainte mettant en cause plusieurs ministères concerne l'absence de recours à un moyen de communication efficace pour joindre le public dans la langue officielle de son choix. Rappelons que les plaintes relatives aux communications dans les médias en Ontario ont plus que doublé cette année, passant de 32 à 81. Dans certaines régions de la province, des journaux de langue française ont cessé de paraître et des hebdomadaires sont devenus des publications bimensuelles. Il en est résulté un traitement inéquitable. Dans plusieurs cas, les ministères ne se sont pas soucés de publier leurs communications dans les deux langues officielles et les ont simplement diffusés dans le journal de langue majoritaire ayant le plus grand tirage là où il n'y a pas de journal en français. Le personnel du Commissariat a sensibilisé les ministères à leurs obligations en matière de langues officielles et continue de surveiller la conformité aux règlements à cet égard.

## LE MANITOBA

Les démarches de la Division scolaire franco-manitobaine (DSFM) pour obtenir les ressources financières voulues afin d'assurer un véritable accès à l'éducation en français, conformément à l'article 23 de la *Charte canadienne des droits et libertés*, n'ont guère progressé en 1998. La DSFM a préparé une étude globale (publiée en janvier 1999) en vue d'obtenir des ressources suffisantes dans le cadre du renouvellement de l'entente Canada-

Toronto, le Commissaire maintient la poursuite en justice entamée contre Air Canada pour manque de services en français.

(voir la partie III, 1 g).

Parmi les motifs des 30 plaintes déposées contre DRHC, ressortent plus particulièrement l'inégalité d'accès en français au site Web du Ministère, l'absence de publications en français sur le Programme d'entrepreneuriat pour les jeunes et sur le Programme Katimavik à Sault Ste. Marie ainsi que les communications en personne dans le cadre des cours de formation offerts par le Ministère. Les services de réception unilingues dans certains bureaux désignés ont également fait l'objet de plaintes. Le Ministère s'emploie actuellement à régler tous les problèmes liés à ses sites Internet et le CRH de Sudbury se prépare à lancer simultanément un site Web en français et en anglais, le Ministère a rappelé aux organismes chargés de la publication de ses annonces que celles-ci doivent paraître dans les deux langues officielles et a accepté de garantir un service au public en français et en anglais dans les bureaux désignés. À cet égard, le CRH de Toronto a embauché deux représentants bilingues pour les services à la clientèle.

Nous avons achevé le suivi de notre enquête de 1995 concernant la Stratégie de mise en valeur de la main-d'œuvre pour les francophones de l'Ontario. Les résultats sont résumés à la partie III, 1 h) v.

La plupart des 20 plaintes déposées contre Revenu Canada avaient trait à l'absence de services douaniers en français aux postes frontaliers dans le nord et le sud-ouest de l'Ontario ainsi qu'à l'aéroport Lester-B.-Pearson. Nous croyons que notre suivi du service au public à six installations douanières du sud-ouest de l'Ontario et notre visite de l'installation de Quenston entraîneront une amélioration du service offert en français dans cette région.

Les 17 plaintes déposées contre Transports Canada portaient sur la signalisation, le service et les communications écrites aux aéroports de Sault Ste. Marie, de Sudbury et de North Bay ainsi que sur le contrôle de sécurité à l'embarquement à l'aéroport Lester-B.-Pearson et à l'aéroport de Sudbury. En fin d'année, nous poursuivons avec le Ministère nos discussions sur l'applicabilité de la *Loi sur les langues officielles* aux aéroports régionaux et locaux qui ont été loués ou vendus.

La majorité des 16 plaintes déposées contre la Société canadienne des postes dénonçaient le manque d'affichage dans les deux langues officielles aux guichets postaux, sur les boîtes aux lettres publiques et sur les véhicules de la Société. En outre, certaines plaintes avaient trait à des publicités-médias de la Société qui n'étaient pas publiées dans les deux langues. D'autres infractions concernaient le manque de service au téléphone et en personne. La Société a revu ses obligations relativement au bon usage des deux langues officielles pour l'affichage et les publicités-médias afin de veiller à ce que les clients soient servis dans la langue de leur choix.

lieu à Toronto en octobre, a connu un succès (80 auteurs et artistes et 12 000 visiteurs s'y sont rendus) et l'Est ontarien a lancé son premier Salon du livre français à Casselman en novembre.

De nombreux autres festivals continuent d'enrichir l'Ontario français, notamment le Festival franco-ontarien d'Ottawa et La Nuit sur l'étang de Sudbury, pour ne mentionner que les plus connus, sans compter les radios communautaires et maisons d'édition. Radio-Canada est disponible en ondes presque partout, mais plusieurs Franco-Ontariens se sont plaints cette année de ne pas pouvoir capter les émissions du RDL, de TVA et de TV5. Le Commissaire a soulevé cette question auprès du CRTC. En fin d'année, le Conseil a accordé le statut de diffuseur national au réseau TVA, qui pourra dorénavant être capté partout. Enfin, l'Ontario français est fier de posséder *Le Droit*, le seul quotidien de langue française de la province, plusieurs revues francophones dont *Infomag*, en plus d'une douzaine d'hebdomadaires publiés en français.

### Les services fédéraux

Au nombre d'un demi-million environ, les Franco-Ontariens représentent la plus importante communauté francophone du Canada vivant dans une province majoritairement anglophone; des 30 602 postes que compte le gouvernement fédéral en Ontario, à l'extérieur de la région de la capitale nationale, 2 726 (8,9 p. 100)

sont désignés bilingues.

En 1998, 292 plaintes recevables ont été déposées contre des institutions fédérales en Ontario, ce qui représente une augmentation de 25 p. 100 par rapport à l'an dernier. De ce nombre, 274, ou 94 p. 100, avaient trait à la langue de service (soit une hausse de 25 p. 100). Un examen plus approfondi révèle que le nombre de plaintes relatives aux communications dans les médias et aux services offerts au sol aux voyageurs a augmenté, passant, d'une part, de 32 à 81 et, d'autre part, de 23 à 61. Par contre, le nombre de plaintes relatives aux communications en personne a été ramené de 47 à 22 et celui des plaintes concernant les communications téléphoniques, de 37 à 11. Malgré ces diminutions, il est inquiétant de constater que l'offre active de service dans les bureaux désignés continue à faire défaut, car celle-ci constitue non seulement un moyen important de signaler la disponibilité de services en français, mais aussi d'en déterminer la demande réelle.

La plupart des 129 plaintes déposées contre Air Canada avaient trait au manque de services à bord des avions et aux comptoirs d'enregistrement de la Société et de ses partenaires régionaux, soit les transporteurs aériens qui desservent les régions comptant la plus forte concentration de francophones (Timmins, Sudbury et North Bay, par exemple). Air Canada nous a assurés qu'elle respectera son obligation de fournir des services au comptoir et à bord dans les deux langues officielles. Nous continuerons à suivre de près la situation. Étant donné la

et à simplifier l'administration) et du transfert proposé de certains programmes provinciaux et fédéraux vers les municipalités. De l'avis des organismes communautaires francophones, certaines municipalités ne sont pas aptes à offrir les services en langue française et les garanties des lois linguistiques fédérales et provinciales risquent de ne plus s'appliquer, laissant les clients francophones sans recours en cas de bris de service.

Le Commissaire aux langues officielles, qui a reçu des plaintes à ce sujet, est intervenu auprès des gouvernements fédéral et provincial; il a invoqué certains principes directeurs qui permettraient d'assurer les services bilingues en cas de délégation de pouvoirs. Le 17 juin, le Commissaire s'est adressé au ministre des Affaires municipales de l'Ontario, Al Leach, pour souligner la nécessité de garantir les services dans les deux langues officielles après le transfert des services du gouvernement de l'Ontario aux municipalités. Dans sa réponse, M. Leach a affirmé que « les municipalités continueront à répondre aux besoins de la communauté francophone ». [Notre traduction] Un député provincial du nord de la province, Gilles Bisson, a soumis à l'Assemblée législative un projet de loi privé pour confirmer les droits linguistiques des citoyens dans le cas du transfert de programmes entre les différents paliers de gouvernement. En fin d'année, les organismes communautaires et le Commissaire

un statut officiellement bilingue pour l'Ontario.

En Ontario français, la vie culturelle est riche. La province ne compte pas moins de dix compagnies professionnelles de théâtre de langue française, outre un organe de diffusion des arts de la scène, Réseau Ontario. Ce réseau a organisé la présentation de quatre spectacles de musique, de quatre pièces de théâtre et de deux spectacles de variétés dans huit villes, de Hawkesbury à Hearst. Comme le déclarait la porte-parole de Théâtre Action, Claude Pettit : « On a franchi de grandes étapes depuis les États généraux [du théâtre franco-ontarien] en 1991. »

Le théâtre a pris de plus en plus de place dans les écoles depuis l'organisation du Festival franco-ontarien de théâtre en milieu scolaire. Dès le début de 1999, plus de 20 représentations auront lieu dans autant d'écoles secondaires. Quant à TFO, elle a continué d'afficher de fortes cotes d'écoute non seulement parmi les élèves ontariens, mais dans toute la province et au Nouveau-Brunswick. De plus, la sixième édition du Salon du livre, qui a eu



## Les services de santé en français

Les compressions budgétaires et la restructuration des programmes dans le domaine de la santé en Ontario ont entraîné des difficultés particulières pour la population francophone de la province. Rappelons que la Commission de restructuration des services de santé (CRSS) avait recommandé en février 1997 la fermeture de l'Hôpital Montfort d'Ottawa, le principal hôpital communautaire des francophones de l'est de la province. Plus tard, en août, la CRSS est revenue sur cette décision, mais a recommandé d'importantes réductions dans les services de l'hôpital, notamment le transfert de l'urgence, de la médecine spécialisée et de la chirurgie majeure au nouveau méga-hôpital d'Ottawa.

La communauté francophone de la capitale nationale et de la province tout entière a été profondément troublée par ces décisions de la CRSS et, dès février 1997, les gens ont été mobilisés par le comité SOS Montfort pour appuyer l'hôpital. Tout au long de l'année 1997 ont eu lieu des manifestations et des marches en faveur de l'hôpital et une imposante pétition a été présentée à Queen's Park. Le Commissaire aux langues officielles est intervenu plusieurs fois auprès de la CRSS et du gouvernement provincial pour demander le maintien des services de l'hôpital et proposer que celui-ci devienne, grâce à son affiliation à la Faculté de médecine de l'Université d'Ottawa, le centre clinique de formation de professionnels de la santé francophones pour toutes les régions du Canada à l'extérieur du Québec. Il a aussi fait de nombreuses représentations auprès du gouvernement fédéral afin de le sensibiliser à ce sujet.

Les interventions en faveur du maintien de l'hôpital ont continué en 1998. Pour sa part, la présidente du conseil d'administration de l'hôpital, Michelle de Courville-Nicoll, a déclaré dans *Le Droit* du 23 septembre : « Brique par brique, un médecin, une professionnelle, un employé à la fois, nous avons bâti une institution si exceptionnelle qu'elle soulève aujourd'hui les passions de toute une communauté [...] Montfort ressortira grand de tout cela, comme son personnel et la communauté franco-ontarienne qui l'a si généreusement défendu. »

Cependant, les actions pour la défense de l'hôpital n'ayant pas donné de résultats concrets, le conseil d'administration a résolu, en octobre, que le seul moyen de bloquer les réductions dans les services de l'hôpital était de faire appel aux tribunaux, et il a déposé une action devant la Cour de l'Ontario en vertu de l'article 15 de la *Charte canadienne des droits et libertés*. Le Commissaire a demandé et obtenu le statut d'intervenant dans cette cause.

Cependant, il y a eu une lueur d'espoir dans ce dossier au cours de l'année. La Faculté de médecine de l'Université d'Ottawa et l'Hôpital Montfort ont fait leur proposition au Commissaire et ont mis de l'avant un projet visant à établir un programme de formation professionnelle dans le domaine de la santé à l'intention des étudiants francophones de l'extérieur du Québec. (C'est le ministre de la Santé du Manitoba, Darren Praznik, qui est à

l'origine de cette idée.) Le ministre du Patrimoine canadien a offert une subvention pour effectuer une étude de faisabilité. Le journal *Le Droit* s'est montré optimiste : « L'Hôpital Montfort, qui était voué à une fermeture certaine il y a un an, pourrait devenir un institut de formation à vocation nationale pour les professionnels francophones de la santé. »

(Le 6 janvier 1999, le gouvernement fédéral, par l'entremise du député d'Ottawa-Vanier et secrétaire parlementaire de la ministre du Patrimoine canadien, Mauril Bélanger, a annoncé une subvention de dix millions de dollars à l'Université d'Ottawa pour permettre la formation de 30 médecins et 60 professionnels de la santé d'autres disciplines en vue de servir les communautés francophones vivant en situation minoritaire.)

La restructuration des services de santé a également touché les Franco-Ontariens de plusieurs autres régions. Au nouveau centre de la santé de Sudbury, la nomination d'un directeur général unilingue anglophone a créé des problèmes et suscité des discussions quant au nombre approprié de membres franco-phones et anglophones au sein du conseil d'administration.

Par ailleurs, à Cornwall, la population francophone a été perturbée par l'annonce d'une décision de la CRSS selon laquelle l'hôpital Hôtel-Dieu deviendrait un pavillon de malades chroniques et l'hôpital Cornwall General, le principal hôpital communautaire du district. Le 11 juillet, un millier d'amis de l'Hôtel-Dieu, francophones et anglophones, ont marché dans les rues de la ville pour protester contre la décision de la CRSS. L'ACFO a participé à la présentation d'une pétition en faveur du maintien de l'hôpital. Le 24 novembre, le Commissaire a écrit à la ministre de la Santé de l'Ontario, Elizabeth Witmer, au sujet des services de santé en langue française à Cornwall.

En juin 1998, une étude de la Fédération des communautés francophones et acadiennes du Canada (FCFAC) intitulée *Gardons notre santé : étude sur le dossier de la santé chez les francophones et Acadiens*, a révélé que, de façon générale, la disponibilité des services de santé en français en Ontario varie selon la région. En règle générale, les services en français sont offerts dans l'est de la province, limités dans le nord et quasi absents dans le centre et dans le sud. Par ailleurs, d'autres recherches indiquent une pénurie de plus de 250 médecins francophones dans la province. La proposition du Commissaire aux langues officielles conserve donc toute sa pertinence.

## Les services gouvernementaux et les organismes communautaires

Plusieurs organismes communautaires défendent les intérêts sociaux, culturels et économiques des Franco-Ontariens. Parmi les mieux connus figurent l'ACFO, l'Association française des municipalités de l'Ontario et l'Association des juristes d'expression française de l'Ontario. Ces trois organismes ont exprimé de vives inquiétudes au sujet du projet de loi 108 du gouvernement provincial (qui traite des poursuites concernant les infractions provinciales et vise à réduire le double emploi



## L'assimilation des Franco-Ontariens

Les données sur l'éducation amènent nécessairement quelques réflexions sur la question de l'assimilation. En effet, dans l'Est ontarien, les données sur l'assimilation recueillies lors du dernier recensement (1996) de Statistique Canada ne laissent pas d'inquiéter. On se préoccupe surtout du fait qu'à Prescott-Russell, bastion de la communauté franco-ontarienne, 6,6 p. 100 des francophones aient rapporté parler plus souvent l'anglais à la maison que le français. En 1991, cette proportion était de 5 p. 100.

Statistique Canada est à effectuer des tests afin d'évaluer l'opportunité d'ajouter d'autres questions sur la langue au recensement de 2001. De nouvelles questions permettraient de vérifier plus précisément la connaissance véritable des langues, leur utilisation dans divers domaines de l'activité personnelle et professionnelle et les progrès (ou le recul) réels de l'assimilation.

Dans une plus vaste perspective, la communauté franco-ontarienne, qu'elle soit de l'Est ou d'ailleurs dans la province, estime que ces données témoignent des problèmes auxquels elle a dû faire face jusqu'à il y a une vingtaine d'années environ, l'absence d'éducation adéquate en langue française, notamment. Il est à espérer que l'assimilation a atteint son point culminant et que les prochains recensements refléteront les résultats escomptés de l'investissement massif qui a été consenti ces dernières années pour favoriser l'éducation en français et l'éveil culturel.

Par ailleurs, selon de récents indicateurs, la communauté franco-ontarienne aurait fait des progrès notables. Une étude interne du ministère du Patrimoine canadien révèle qu'en matière d'éducation, les nouvelles générations de Franco-Ontariens ont réussi à rattraper leur retard. En effet, selon le recensement de 1996, seulement 1,4 p. 100 des Franco-Ontariens n'ont pas complété la 9<sup>e</sup> année, contre 3,3 p. 100 des francophones à l'extérieur du Québec et moins de 2 p. 100 de l'ensemble des Ontariens.

Même tendance pour ce qui est de l'éducation postsecondaire. Le pourcentage des jeunes francophones hors Québec âgés de 15 à 34 ans qui ont terminé des études postsecondaires est passé de 16,7 p. 100 en 1971 à 39,5 p. 100 en 1996. En outre, le nombre des diplômés universitaires est passé de 3,9 p. 100 en 1971 à 13,5 p. 100 en 1996. En Ontario, ce pourcentage est de 19,9 p. 100. Ainsi, tant pour l'éducation primaire et secondaire que pour l'éducation postsecondaire, les Franco-Ontariens affichent des pourcentages supérieurs à ceux de l'ensemble des francophones hors Québec, et assez semblables à ceux de la population générale de l'Ontario.

Quant aux Ontariens anglophones, tout indique qu'ils deviennent plus bilingues, favorisant ainsi l'usage répandu du français. Dans les écoles de la province, 1 196 490 jeunes anglophones apprennent le français langue seconde.

Par ailleurs, le Collège Borel de Sudbury offre plus de 60 programmes à 1 650 apprenants à partir de son campus principal et de six autres campus situés à Elliot Lake, Hearst, Kapuskasing, New Liskeard, Sturgeon Falls et Timmins. Créé il y a trois ans par la fusion des secteurs français des collèges bilingues du nord de l'Ontario, le Collège Borel a consolidé les programmes en français et innové dans plusieurs domaines. Par exemple, il a cherché à favoriser le développement économique du nord de la province par le truchement de partenariats avec des employeurs et de la formation d'une main-d'œuvre hautement qualifiée, tout en mettant sur pied un centre de compétences. Les Entreprises Boreales. Le Collège a aussi investi des sommes importantes dans l'infrastructure technologique et facilité l'établissement de réseaux complets de services régionaux, compte tenu de la vaste étendue du grand Nord ontarien. Enfin, le Collège a contribué aux programmes ontariens d'alphabétisation et un de ses enseignants, Claude Boutin, a été nommé à la présidence d'un comité provincial des apprenants et apprenantes en alphabétisation. Le Centre franco-ontarien de ressources en alphabétisation (FORA) a d'ailleurs souligné l'urgence du travail dans ce domaine, car jusqu'à 60 p. 100 des francophones de la province auraient de la difficulté à lire.

Le Collège des Grands Lacs à Toronto a offert cette année des cours à distance en administration du bureau, en affaires, en informatique et dans quelques autres disciplines à 178 étudiants francophones du sud de la province. Cependant, le Collège, fondé il y a trois ans, ne possède toujours pas de campus principal. Par suite d'une initiative du président du conseil d'administration, François Benoit, et du président, Robert Mayrand, la direction du Collège a préparé un nouveau plan de développement qui comporte un important virage : le Collège ne dépendra plus uniquement de cours à distance, mais offrira aussi des programmes traditionnels en classe et il amènera un campus principal à Toronto. Dans une lettre à la ministre du Patrimoine canadien, le Commissaire aux langues officielles, qui avait reçu M. Mayrand à ses bureaux, a loué ce plan de développement et souligne la situation encourageante de l'institution : « Rappelons le grand potentiel du Collège des Grands Lacs. La clientèle possible est considérable; l'économie est prometteuse et dans plusieurs domaines il y a une pénurie de main-d'œuvre qualifiée. Il existe dans la région du centre-sud de l'Ontario quelque 165 920 francophones [...] »

Par ailleurs, le Collège d'Alfred dans l'est de la province fait maintenant partie de l'Université de Guelph, mais dispense toujours des cours en français dans les sciences de l'agriculture. Le nouveau président, Gilbert Héroux, a fait valoir les avantages pour son établissement de faire partie d'une université reconnue mondialement, tout en demeurant francophone.

L'Université d'Ottawa a célébré cette année son 150<sup>e</sup> anniversaire. Du tout petit Collège de Bytown qu'elle était en 1848, l'institution s'est transformée en une université de réputation internationale avec 24 000 étudiants, dont 8 000 francophones. Elle offre plus de 200 programmes d'études en langue française. Dans une lettre au Commissaire aux langues officielles, le recteur de l'Université, Marcel Hamelin, a écrit : « Je suis personnellement très fier de ce qui a été accompli dans ce domaine [l'expansion des services en français], du paracheèvement du programme de common law entièrement en français à la création de programmes entièrement en français en physiothérapie, ergothérapie, audiologie, orthophonie, service social, etc. »

L'Université Laurentienne de Sudbury offre elle aussi des cours dans les deux langues, et son nouveau recteur, Jean Watters, a clairement indiqué que les services en français comme en anglais demeurent une priorité dans son institution.

Enfin, le Collège bilingue Glendon, affilié à l'Université York de Toronto, a accueilli 1 800 étudiants cette année et la direction du Collège compte offrir de nouveaux programmes afin d'accroître le nombre d'étudiants. Signifions que la principale du Collège Glendon, Dyane Adam (qui deviendra en 1999 la cinquième Commissaire aux langues officielles du Canada), a annoncé que le Regroupement des universités de la Francophonie hors Québec a réussi à créer un réseau électronique qui permettra aux étudiants de suivre à distance des cours offerts par d'autres institutions membres du Regroupement.

Malgré les réalisations de ces universités, certains Franco-Ontariens réclament plus que le bilinguisme. L'Association canadienne-française de l'Ontario (ACFO) demande l'établissement d'une université homogène de langue française dans la province, objectif que le Commissaire a appuyé à plusieurs reprises. Dans *Le Droit* du 7 avril, la présidente de l'Association, Tréva Cousineau, a affirmé : « L'ACFO n'accepte plus le prétexte qui veut que la population franco-ontarienne ne soit pas assez importante pour justifier une université de langue française [homogène]. Qu'on laisse aux autres la mission de favoriser le développement du bilinguisme et du biculturalisme et qu'on compte sur nous-mêmes pour encourager le développement et la fierté de l'identité culturelle franco-ontarienne. »

Le réseau de collèges francophones de l'Ontario comprend trois collèges communautaires : La Cité collégiale à Ottawa, le Collège Boréal à Sudbury et le Collège des Grands Lacs à Toronto. Fondée il y a près de dix ans, La Cité collégiale offre près d'une centaine de programmes postsecondaires à quelque 3 600 étudiants. De plus, dans ses campus régionaux de Hawkesbury et de Cornwall, elle dispense des cours de métier et d'alphabétisation à des apprenants adultes. Le travail de la présidente du Collège, Andrée Lortie, a été reconnu cette année lorsqu'elle a reçu l'Ordre de l'Ontario des mains du lieutenant-gouverneur de la province, Hilary Weston.

qui n'ont pas toujours permis aux conseils scolaires de langue

Le gouvernement fédéral a aussi contribué à l'établissement des nouveaux conseils scolaires francophones. Le 17 juin, dans une entente spéciale signée par le ministre de l'Éducation de l'Ontario, David Johnson, et la ministre du Patrimoine canadien, Sheila Copps, le gouvernement fédéral s'est engagé à contribuer 90 millions de dollars au cours des cinq prochaines années « en vue de la mise en œuvre d'un système de gestion scolaire francophone [en Ontario], conformément à l'article 23 de la *Charte canadienne des droits et libertés* ».

La réforme scolaire a comporté d'importants transferts de personnel et de biens des anciens conseils scolaires mixtes aux nouveaux conseils linguistiquement homogènes, francophones et anglophones. En règle générale, ce processus s'est déroulé dans le calme et les nouveaux conseils scolaires ont pu assumer leurs responsabilités assez rapidement. Au cours de l'année, les francophones ont effectivement commencé à gérer leur système scolaire partout dans la province.

Cependant, certains problèmes ont perturbé la vie scolaire. D'abord, il y a eu des conflits de travail. Plusieurs conseils scolaires, francophones et anglophones, n'ont pu s'entendre avec les syndicats des enseignants. Dans certains districts, des grèves des enseignants ont retardé la rentrée scolaire de quelques jours, voire de quelques semaines.

Par ailleurs, en juillet, le juge Cumming de la Cour supérieure de l'Ontario a rendu une décision dans une cause opposant des associations scolaires anglophones au gouvernement provincial. Le juge a déclaré inconstitutionnelle une partie de la nouvelle loi scolaire voulant que les conseils scolaires n'aient plus de pouvoirs de taxation et dépendent entièrement de subventions gouvernementales. Cette décision, fondée sur l'article 93 de la *Loi constitutionnelle de 1867*, ne s'appliquerait qu'aux conseils scolaires catholiques, mais elle risquerait de compromettre la mise en œuvre de plusieurs aspects de la nouvelle loi. Le gouvernement a décidé de porter la cause en appel.

Malgré ces difficultés, les francophones ont éprouvé une grande satisfaction face à la réalisation de la gestion scolaire. La journaliste Huguette Burroughs l'a exprimée ainsi dans *Le Journal de Cornwall* du 2 avril : « L'aventurisme commence maintenant [...] la gestion scolaire pour et par les francophones est maintenant une réalité indéniable. »

## Le secteur postsecondaire de langue française

L'Ontario français compte plusieurs établissements postsecondaires francophones ou bilingues, dont les plus importants sont l'Université d'Ottawa et La Cité collégiale, à Ottawa, ainsi que l'Université Laurentienne et le Collège Boréal, à Sudbury. Environ 15 000 élèves francophones fréquentent ces établissements.



après du bureau provincial et on a ajouté un court message en anglais invitant les clients qui voulaient être servis dans cette langue à s'adresser directement au Centre local d'emploi. Nous suivons de près l'évolution de ce dossier.

En règle générale, au Québec, l'offre active de services, en personne, dans les deux langues officielles aux bureaux fédéraux désignés bilingues, demeure l'aspect le plus problématique, surtout à l'extérieur de la région de Montréal. Il n'est pas rare de constater, dans un bureau où la demande est importante, une multitude d'affiches bilingues, de pictogrammes d'offre active du Conseil du Trésor bien en vue à l'accueil et un nombre impressionnant de publications de tous genres, dans les deux langues officielles; pourtant, lorsque le client arrive à la réception, il est accueilli en français seulement. Dans la très grande majorité des cas, toutefois, si le client persiste, il obtiendra le service dans la langue de son choix.

En 1998, le nombre de plaintes déposées contre les institutions fédérales au Québec s'est chiffré à 230. De ce nombre, 183 ont été jugées recevables comparativement à 241 (sur un total de 332) en 1997. Il est intéressant de noter que le nombre de plaintes non recevables a diminué de près de la moitié comparativement à l'année précédente, passant de 75 à 39. Il semble y avoir une compréhension générale plus claire quant à la portée et à l'application de la *Loi sur les langues officielles* comparativement aux années précédentes.

D'une année à l'autre, les plaintes au Québec proviennent de citoyens d'expression française et d'expression anglaise. En 1998, 69 p. 100 des plaintes ont été déposées par des Québécois anglophones contre 31 p. 100 par des Québécois francophones. Il y avait 58 plaintes de détenus d'expression anglaise mettant en cause l'établissement du Service correctionnel du Canada à Donnacona. Les plaintes déposées contre ce Ministère sont traitées de façon plus détaillée à la partie III.1 g) du présent *Rapport*.

La plupart des plaintes sur lesquelles nous avons fait enquête portaient sur la langue de service : 48 d'entre elles concernaient les communications écrites, 20 touchaient les communications visuelles et 16, les communications au téléphone. Les deux institutions qui ont fait l'objet du plus grand nombre de plaintes sont la Société canadienne des postes et le Service correctionnel du Canada. Parmi les 31 plaintes à l'encontre de la Société canadienne des postes, 22 portaient sur des éléments liés à la Partie V de la *Loi* (langue de travail). Des 64 plaintes déposées contre le Service correctionnel, 58 touchaient à la langue de service pour les détenus anglophones.

## L'ONTARIO

« Depuis le 1<sup>er</sup> janvier 1998, douze conseils scolaires de langue française desservent les quelque 100 000 élèves francophones de la province de l'Ontario : huit conseils scolaires catholiques et quatre conseils scolaires publics. Ce moment historique est venu

### Les nouveaux conseils scolaires de langue française

couronner près de cent ans de lutte pour la reconnaissance des droits des Franco-Ontariens et Franco-Ontariens à la gestion de leur éducation<sup>10</sup>. » C'est en ces termes que l'ancienne directrice générale de l'Association française des conseils scolaires de l'Ontario (AFCSO), Odile Gérin, décrit les moments historiques qu'a connus l'Ontario français en 1998. Elle retrace dans son ouvrage le long chemin parcouru par les Franco-Ontariens afin d'obtenir le droit de gérer leurs écoles. Compte tenu des nombreux obstacles rencontrés en cours de route, l'arrivée au but est une réalisation extraordinaire.

Les huit conseils scolaires catholiques sont ceux des districts suivants : Grandes-Rivières (Timmins), Franco-Nord (North Bay), Nouvel-Ontario (Sudbury), Auroras boréales (Thunder Bay), Sud-Ouest (London), Centre-Sud (Toronto), Est-Ontarien (L'Orignal) et Centre-Est (Ottawa). Les quatre conseils scolaires publics sont ceux du Nord-Est (North Bay), du Grand-Nord (Sudbury), du Centre Sud-Ouest (Toronto) et d'Ottawa. Rappelons qu'avant cette année, la gestion de la majorité des écoles franco-ontariennes relevait de sections de langue française de conseils scolaires mixtes francophones et anglophones où les francophones étaient presque toujours en minorité.

L'année 1998 a été une période de transition. Alors que le gouvernement provincial créait de nouvelles structures du côté francophone, il réduisait de moitié le nombre de conseils scolaires de langue anglaise en effectuant des fusions. Deux nouvelles lois scolaires sont entrées en vigueur, la *Loi réduisant le nombre de conseils scolaires* et la *Loi sur l'amélioration de la qualité de l'éducation*. En même temps, le ministre de l'Éducation a offert de nouveaux programmes-cadres en mathématiques, en langues,

Le gouvernement ontarien a modifié les modalités de financement du système en enlevant aux conseils scolaires le pouvoir de prélever des taxes foncières et en leur accordant des subventions plus importantes. Il a annoncé trois types de subventions aux conseils scolaires : subventions de base, subventions à des fins particulières et subventions réservées aux locaux scolaires. Parmi les subventions à des fins particulières, deux catégories revêtent un intérêt particulier pour les conseils scolaires francophones : les subventions fondées sur la langue, qui tiennent compte de certains coûts particuliers dans les écoles de langue française, et les subventions pour les petites écoles, qui sont nombreuses dans le secteur francophone. L'Association franco-ontarienne des conseils scolaires catholiques a félicité le gouvernement d'avoir opté pour ce nouveau mode de financement; ce dernier permet de corriger les iniquités du passé

<sup>10</sup> *D'un obstacle à l'autre : vers le conseil scolaire de langue française*, Vanier, Éditions l'Interligne, 1998, p. 15.



La communauté anglophone est représentée par diverses organisations, la plus grande étant l'Alliance Québec. Avec ses 4 300 membres et son budget de 933 000 \$, l'Alliance Québec compte 11 sections régionales, une commission jeunesse et 24 groupes associés. L'organisme a tenu son 17<sup>e</sup> congrès annuel à Dorval, en mai, au cours duquel les élections à la présidence ont été chaudement disputées. William Johnson, de Gatineau, journaliste et défenseur des droits de la communauté, a remporté une victoire serrée, quelques voix seulement le séparant de sa rivale, la présidente sortante, Constance Middleton-Hope. Après ces élections, l'Alliance Québec a adopté un style plus militant et certains groupes s'en sont dissociés, notamment la Townshipers' Association et la Voice of English Québec.

Parmi les autres groupes de grande envergure représentant les anglophones, mentionnons l'Outaouais Alliance, établi dans l'Ouest québécois, le Comité for Anglophone Social Action (CASA), de Gaspé, et la Châteauguay Valley English-Speaking People's Association. Dans d'autres régions, il existe également des groupes d'anglophones de moindre taille mais très dynamiques, comme la Coasters' Association sur la Basse-Côte-Nord, et aux Îles-de-la-Madeleine, le Council of Anglophone Magdalen Islanders (CAMI). Outre William Johnson d'Alliance Québec, plusieurs nouveaux chefs de file ont été élus cette année, notamment Thomas Reisman pour la Voice of English Québec, Gary Richards pour la Townshipers' Association, Faye Sullivan-Stafford pour Outaouais Alliance, Richard Guyader pour CASA, et Tony Roberts pour la Coasters' Association.

### Les services fédéraux

Dans notre *Rapport annuel 1997*, nous avons fait état de l'entente Canada-Québec sur le marché de la main-d'œuvre par laquelle le gouvernement fédéral transfère au gouvernement provincial la responsabilité des programmes d'emplois et de formation. Le Commissaire avait alors écrit au ministre du Développement des ressources humaines, Pierre Pettigrew, afin d'énoncer cinq principes pour la protection des droits des minorités de langue officielle dans tout processus de dévolution.

L'entente entrée en vigueur le 1<sup>er</sup> avril a été généralement bien accueillie en raison des éléments explicitant les politiques et les procédures concernant les services en anglais. Elle a néanmoins suscité des inquiétudes dans la communauté anglophone, particulièrement en Gaspésie. En effet, du jour au lendemain, un service téléphonique de renseignements sur les offres d'emplois, jusque-là disponible dans les deux langues officielles, ne l'était plus qu'en français. Nous avons reçu deux plaintes à ce sujet et avons fait enquête. Nous avons appris que, depuis le 1<sup>er</sup> avril, le Centre local d'emploi (provincial) utilisait la même ligne téléphonique que le Centre des ressources humaines (CRH) fédéral. La communauté anglophone de la région n'avait pas été avisée de ce changement. De plus, la liste des options ne contenait aucune indication ou instruction en anglais à l'intention de ceux qui voulaient être servis dans cette langue. Le CRH est intervenu

ministère du Développement des ressources humaines quand il s'agit de favoriser le développement et l'épanouissement de la communauté minoritaire de langue anglaise au Québec. Le comité a également pour mandat de surveiller l'incidence des mesures d'emploi prises par la province sur les communautés minoritaires de langue officielle<sup>9</sup>.

Le RGCCQ a entrepris cette année des négociations en vue de la prolongation de l'entente qui doit être renouvelée en mai 1999. Il demande que les fonds fédéraux à l'intention des Québécois d'expression anglaise soient augmentés de façon à s'approcher du niveau de financement per capita accordé aux minorités francophones à l'extérieur du Québec.

Outre des appels en faveur de garanties relatives à la prestation de services gouvernementaux en anglais, les chefs de file de la communauté anglophone ont poursuivi leurs revendications en faveur de l'affichage bilingue et de l'amélioration des services en anglais dans le secteur privé. Une manifestation de grande envergure, dirigée par le président d'Alliance Québec, William Johnson, a eu lieu le 26 septembre sur la rue Sainte-Catherine, à Montréal. Parmi les autres sujets de préoccupation de la communauté anglophone, mentionnons les inspections menées par des représentants de l'OLF à l'égard des panneaux d'affichage commerciaux installés par les commerçants, les restrictions relatives à la langue des sites Internet de nature commerciale, et les mesures prises à l'encontre de certains groupes culturels, notamment la communauté chinoise de Montréal.

La communauté anglophone du Québec possède deux quotidiens de langue anglaise : *The Gazette*, à Montréal, et *The Record*, à Sherbrooke. Ce dernier a couragement repris la publication du journal quelques jours seulement après un sérieux incendie. Le réseau de télévision Global diffuse désormais ses émissions dans de nombreuses régions du Québec de sorte qu'un bon nombre de Québécois anglophones disposent de trois stations de télévision, les deux autres étant CBC, le réseau anglais de Radio-Canada, et CTV. Il existe aussi 32 journaux hebdomadaires, bimensuels et mensuels de langue anglaise, qui profitent des nombreux services communs offerts par la très dynamique Association des journaux régionaux du Québec. Les communautés anglophones comptent une Fédération des arts dramatiques du Québec de langue anglaise (le Commissaire a déjà été membre du conseil d'administration et trois fois président d'honneur du festival annuel de la Fédération), outre les nombreuses associations littéraires et culturelles. La Québec Society for the Promotion of English Language Literature (QSPELL) a tenu son onzième gala de remise de prix en décembre. À la demande de celle-ci, le Commissaire a offert un prix pour la meilleure traduction, qui a été décerné à Hélène Rioux pour sa traduction en français du roman de Yann Martel, *Self*.

<sup>9</sup> Protocole d'entente signé le 29 mai 1998.

professionnels de la santé et celles qui ont besoin de leurs soins.

La compréhension par un professionnel de la santé du problème qu'éprouve un malade est un enjeu linguistique. Il est essentiel que le professionnel de la santé fasse comprendre au malade la nature de son mal et les problèmes que pose le traitement, le résultat attendu, les précautions à prendre et la manière de s'occuper de sa personne; tout cela, dans la plupart des cas, pour obtenir du malade un consentement éclairé à l'égard de tout traitement prescrit dans son intérêt.

Ces échanges ont de profondes répercussions sur le plan linguistique et je tiens à dire, en toute simplicité, mais du fond du cœur, que la responsabilité qu'a le professionnel de la santé d'obtenir les renseignements voulus et d'en tirer les conclusions qui s'imposent, puis de communiquer celles-ci à la personne qui est malade ou qui a besoin de soins pour toute autre raison, doit, à mon sens, avoir préséance sur les droits des professionnels de la santé en ce qui concerne la langue de travail.

En tant que professionnels de la santé, nous avons la responsabilité de soigner nos concitoyens le mieux possible, et cela est plus important qu'insister sur nos droits en matière de langue de travail lorsque nous nous acquitons de nos fonctions professionnelles.

Je voudrais mentionner encore une chose qui a beaucoup d'importance pour le Canada comme je le perçois. Nous avons parfois l'impression que le problème des minorités de langue officielle est un problème qui ne touche que les francophones. Il y a pourtant une importante communauté anglophone qui vit en situation minoritaire au Québec. Et cette communauté a un passé long et fertile qui lui a permis, en grande partie grâce à ses propres efforts, de créer des ressources dans les domaines de la santé et de l'éducation, entre autres.

Bien des gens ont tendance à dire que la domination de l'anglais est telle aujourd'hui qu'il n'y a pas lieu de protéger la langue anglaise. Je partage ce point de vue en ce qui concerne la force croissante de l'anglais dans les communications, au Canada et sur la scène internationale. Mais il ne faudrait pas croire pour autant qu'il n'y a pas lieu de s'inquiéter de la communauté anglophone de la province de Québec; ce serait mal interpréter la réalité que vit cette communauté.

J'ai cherché, sans succès retentissant, à établir un dialogue au sujet du partage équitable des inscriptions dans les écoles de langue anglaise et de langue française au Québec. J'ai maintes fois soulevé la question du français comme compétence professionnelle pour que les règles du jeu soient équitables lorsque les gens tentent d'entrer sur le marché du travail, et j'ai souvent parlé d'autres problèmes aussi.

<sup>8</sup> Lettre en date du 17 juin 1998.

## Les services gouvernementaux et les associations minoritaires

J'aimerais vous laisser sur la réflexion suivante : il faut à une communauté minoritaire l'attention et la considération de la majorité qui l'entoure, et c'est vrai dans les deux sens de notre équation linguistique.

Récemment, le transfert ou la cession au gouvernement du Québec de plusieurs programmes qui, par le passé, étaient administrés par des ministères fédéraux a semé l'inquiétude au sein de la communauté anglophone en raison de la possibilité d'une réduction des services en anglais. Ainsi, le Québec est désormais responsable du dossier des ressources humaines, et particulièrement des volets de l'emploi et de la formation de la main-d'œuvre. Un bon nombre de Québécois d'expression anglaise avaient des appréhensions parce que les programmes de ressources humaines ne seraient plus assujettis à la *Loi sur les langues officielles*. Le droit aux services en anglais serait-il maintenu ? Le 31 mars, le Commissaire a rendu publique une étude spéciale sur le transfert des programmes au sein des gouvernements provinciaux et territoriaux et a fait des recommandations au gouvernement fédéral, exposant notamment cinq principes visant à assurer la protection des droits linguistiques. L'un de ces principes est un engagement quant à l'appui des communautés minoritaires de langue officielle.

Le Commissaire a demandé à la ministre québécoise de l'Emploi et de la Solidarité, Louise Harel, d'accorder une attention particulière aux besoins en formation des Québécois d'expression anglaise. Dans une lettre qu'elle adressait au Commissaire, la ministre a indiqué sa volonté d'atténuer les craintes relatives aux problèmes linguistiques et a déclaré : « Nous prenons bonne note des difficultés rencontrées par une partie de la clientèle d'expression anglaise qui cherche à accéder rapidement au marché du travail. Soyez assuré que nous y porterons une attention particulière.<sup>8</sup> »

Au moment de la signature de l'entente fédérale-provinciale, celle-ci comportait des clauses énonçant clairement les droits des Québécois d'expression anglaise et les mécanismes permettant le respect et la mise en œuvre de ces droits.

Une autre initiative digne de mention est la mise sur pied d'un comité du développement des ressources humaines à la suite d'une entente intervenue entre le ministre fédéral du Développement des ressources humaines, Pierre Pettigrew, et le Réseau des groupes communautaires du Québec (RGCCQ), qui représente les communautés anglophones de la province. L'entente, signée par le ministre et Alliance Québec et la Châteauguay Valley English-Speaking People's Association au nom du RGCCQ, charge le nouveau comité de conseiller le



La langue des panneaux d'affichage dans les établissements de soins de santé et de services sociaux a causé des problèmes dans un certain nombre de régions, en particulier dans l'Estrie. L'an dernier, des plaintes ont été déposées, et l'Office de la langue française (OLF) a mené enquête à l'égard de la présence de panneaux d'affichage en anglais au nouveau Centre universitaire de santé de l'Estrie (CUSE), à Sherbrooke, qui englobe l'ancien Hôpital de Sherbrooke. À la suite de l'enquête, le Centre a retiré la plupart des panneaux en anglais. Selon les règlements linguistiques du Québec, le CUSE n'est pas considéré comme un établissement bilingue parce que sa clientèle compte moins de 50 p. 100 d'anglophones. Des problèmes analogues sont survenus à l'hôpital Brome-Missisquoi-Perkins au sujet de panneaux d'affichage en anglais, et l'établissement les a retirés après avoir reçu de l'OLF des directives à cet effet. La communauté anglaise, notamment les centaines de personnes qui avaient signé des pétitions en faveur de l'affichage bilingue au CUSE, continue de craindre que les services en anglais ne soient compromis; de nombreuses représentations à cet égard ont été faites auprès du gouvernement du Québec.

Cette expérience met en lumière, parallèlement, la crainte de la communauté anglophone de perdre son statut majoritaire et son droit à des services en anglais si certaines municipalités sont fusionnées pour devenir de plus grandes entités.

Au sein de la communauté anglophone de Montréal et, de fait, dans toute la province, les plans relatifs au Centre hospitalier de l'Université McGill, créés en 1997 à la suite de la fusion de l'Hôpital Royal Victoria, de l'Institut neurologique de Montréal, de l'Hôpital de Montréal pour enfants et de l'Hôpital général de Montréal, suscitent beaucoup d'intérêt. Malgré la fusion des quatre conseils d'administration et la nomination d'un directeur général, les établissements continuent de fonctionner dans leurs édifices respectifs et, dans certains cas, dans des installations désuètes. À la fin de l'année, des représentants du Centre hospitalier de l'Université McGill avaient négocié avec succès l'achat, du Canadien Pacifique, d'un terrain de 35 acres à Montréal et Westmount, autrefois connu sous le nom de Glen Yards, pouvant accueillir un nouveau méga-hôpital. On prévoit que l'établissement ouvrira ses portes d'ici l'an 2004. Il constituera, avec le Centre hospitalier de l'Université de Montréal, l'un des deux plus grands hôpitaux de la province.

Le 18 septembre, le Commissaire a pris la parole lors d'un symposium qui a réuni à Ottawa plus de 700 délégués venus de tous les coins du pays. Voici un extrait de l'allocation qu'il a prononcée :

« [...] de garanties ni de mesures suffisantes pour assurer la continuité des services accessibles en langue anglaise ». Il a également souligné : « Il n'a pas été évident que la conservation du statut des établissements désignés (comme étant responsables de la prestation de services en anglais) serait assurée lors de l'élaboration des plans de fusion, d'intégration ou de regroupement des établissements<sup>6</sup>. »

Le 30 mars, le Commissaire écrivait au ministre de la Santé d'alors, Jean Rochon, et insistait sur le fait que les droits des patients et des bénéficiaires à des services dans leur langue maternelle devaient avoir préséance sur les droits relatifs à la langue de travail des fonctionnaires ou des professionnels de la santé : « Le bénéficiaire doit être amené à éprouver un sentiment de confiance à l'endroit du professionnel. Il doit se sentir en mesure de décrire clairement tous ses symptômes ainsi que leur évolution; et le professionnel doit, afin d'établir un diagnostic précis et fiable, pouvoir obtenir des renseignements précis et fiables. Ensuite, le professionnel doit expliquer la nature de la maladie, le traitement requis, les effets secondaires possibles, les complications à surveiller et le pronostic. Il doit s'assurer que le bénéficiaire a bien compris, et il doit l'amener ainsi à signer un consentement éclairé. Enfin, il doit fournir au bénéficiaire des instructions faciles à comprendre et à suivre lorsque ce dernier quitte l'hôpital ou le cabinet de consultation. Tout cela doit se dérouler dans la langue — notamment le français ou l'anglais — que le bénéficiaire comprend le mieux. »

Dans une lettre envoyée au Commissaire, le Dr Rochon a indiqué que son ministère s'occupait de la prestation de services en anglais, précisant que : « Toute personne d'expression anglaise a le droit de recevoir en langue anglaise des services de santé et des services sociaux, compte tenu de l'organisation et des ressources humaines, matérielles et financières des établissements qui dispensent ces services.<sup>7</sup> »

Le gouvernement fédéral, voulant inciter le Québec à fournir des soins de santé et des services sociaux en anglais, lui alloue des fonds à cet effet depuis 1989. Ainsi, en vertu d'une entente fédérale-provinciale sur les soins de santé et les services sociaux en langue anglaise, le ministère du Patrimoine canadien verse environ 500 000 \$ chaque année pour le recrutement de coordonnateurs des services en anglais au sein des régions régionales de la santé ainsi que pour la traduction de matériel et la production de documents en anglais. L'entente prendra fin en 1999; le Commissaire a souligné son importance et formé le vœu qu'une nouvelle entente soit conclue afin de maintenir cette contribution à la prestation de services de santé en anglais.

<sup>6</sup> Comité provincial pour la prestation des services de santé et des services sociaux en langue anglaise, *Rapport d'activités 1996-1997*, p. 5.

<sup>7</sup> Lettre en date du 9 juin 1998.



anglaise, ils ont aussi entraîné des problèmes d'ordre linguistique. La loi 142, adoptée par l'Assemblée nationale en 1986, garantit aux anglophones des services en anglais disponibles et accessibles selon les ressources de chaque région.

Depuis l'adoption de la loi 142, le Québec a assuré la prestation des soins de santé et des services sociaux en anglais en élaborant et mettant en œuvre des plans d'accès aux services en anglais dans les 16 régions régionales de la santé. À la lumière des réformes touchant la santé publique, les centres de soins ambulatoires et de santé communautaire et (particulièrement pour le secteur anglophone de la santé) les fusions et les fermetures d'hôpitaux, il a fallu élaborer de nouveaux plans pour les services en anglais. Ces plans ont été soumis au gouvernement en 1996, mais celui-ci ne les a pas approuvés. Il les a plutôt examinés et envoyés à l'Office de la langue française pour analyse. Pour le gouvernement, et pour les syndicats représentant les prestataires de soins de santé, le droit du personnel soignant de travailler en français entre en conflit avec la nécessité de communications efficaces et intelligibles à tous les interlocuteurs, entre les professionnels de la santé, les patients et leur famille. Les plans d'accès ont fait l'objet de discussions dans tout le Québec, et la région de Saint-Maurice-Bois-Francs a même proposé l'abolition pure et simple de toute exigence professionnelle relative à la connaissance de l'anglais.

Les communautés anglophones ont exprimé une vive inquiétude au sujet de leur droit de recevoir des services dans leur langue, et une coalition de huit associations a été formée avant la fin de l'année pour favoriser l'adoption des plans d'accès. Le porte-parole de la Voice of English Québec (VEQ), Leon Jackson, dont la communauté a déjà perdu son hôpital général, le Jeffery Hale il y a deux ans, a souligné les lacunes dans des services en anglais : « La Voice of English Québec et des associations analogues de toute la province se sont heurtées à un mur politique dans leurs tentatives de faire approuver par le gouvernement provincial les plans d'accès aux soins de santé et aux services sociaux en anglais [...] Même si plusieurs établissements ont fait savoir qu'ils étaient en mesure de fournir certains services en anglais, leurs services, dans presque tous les cas, ne sont pas disponibles en tout temps. De plus, la plupart des postes des employés qui offrent les services bilingues ne sont pas désignés bilingues, ce qui peut causer des problèmes lorsqu'il faut trouver des suppléants. Le gouvernement n'a guère fait montre de logique, de compréhension ou de préoccupation dans ce dossier.<sup>5</sup> » [Notre traduction]

Les vues de la VEQ rejoignent celles qui ont été exprimées en 1997 dans le rapport d'un comité consultatif gouvernemental sur la prestation de soins de santé et de services sociaux en anglais. Le comité, qui était composé de huit anglophones et présidé par l'avocat Eric Maldoff, a indiqué que le gouvernement avait lancé des réformes de grande envergure en vue d'adapter le système aux

En janvier, le Commissaire a écrit à Mme Marois au sujet du train de réformes lancé en vertu de l'énoncé de principe du ministère de l'Éducation, *L'école, tout un programme*. Il a encouragé la ministre à poursuivre la politique visant l'amélioration de l'accès à l'instruction pour tous les Québécois et le renforcement de l'enseignement du français et de l'anglais comme langues secondes.

À un niveau postsecondaire, le secteur anglais comprend sept collèges et trois universités, que fréquentent près de 75 000 étudiants. Ces établissements, à l'instar de leurs pendant francophones, ont subi d'importantes compressions budgétaires cette année. Pour les universités, les réductions ont représenté environ 25 p. 100 de leur budget de fonctionnement. Tous les établissements, individuellement et collectivement, se sont efforcés de réduire leurs dépenses et de rationaliser leurs opérations. Ainsi, les universités McGill et Concordia ont annoncé la conclusion d'un accord en vue de la mise en commun de certains services informatiques et administratifs. Le recteur de l'Université McGill, Bernard Shapiro, a affirmé : « L'Université McGill devra réduire ses dépenses à moins de 10 000 \$ par étudiant. Si l'on compare cette somme avec, disons, les dépenses à ce chapitre de l'Université de Chicago ou de l'Institut de technologie du Massachusetts, où les ressources disponibles pour l'instruction de chaque étudiant vont de 50 000 à 80 000 \$ US, on peut se demander pourquoi les Québécois n'ont pas sonné l'alarme.<sup>3</sup> » [Notre traduction]

Bon nombre d'étudiants anglophones fréquentant l'université se sont élevés contre le système de frais de scolarité à deux niveaux imposé par le gouvernement, lequel prévoit des frais supplémentaires (évalués à 1 200 \$ environ en sus des frais réguliers) pour les étudiants dont la résidence permanente est à l'extérieur de la province. Des étudiants de l'Université McGill ont contesté devant les tribunaux les règlements de la province sur les frais de scolarité, mais le juge Claude Teller a rejeté la cause des étudiants qui invoquaient les chartes canadienne et québécoise des droits et libertés, en précisant : « Les frais de scolarité qui sont exigés des étudiants des autres provinces ne sont pas abusifs [...] les nouveaux frais exigés des non résidents sont inférieurs à la moyenne nationale et inférieurs aux frais exigés pour tous les étudiants dans les autres provinces.<sup>4</sup> »

### Les services sociaux et de santé en anglais

Outre les compressions budgétaires, des réformes en profondeur ont modifié la prestation des services sociaux et de santé. Les changements ont eu un effet sur tous les usagers des soins de santé et des services sociaux, mais pour les Québécois d'expression

<sup>3</sup> *Thursday Report*, le 5 février 1998, p. 1.

<sup>4</sup> Décision du juge Teller de la Cour supérieure du Québec (Chambre civile), district de Montréal, dans le dossier *Ruel c. Québec (Ministre de l'Éducation du Québec)*, JEL/1998-0081, no 500-05-032573-972, le 11 février 1998).

<sup>5</sup> *The Quebec Chronicle Telegraph*, le 18 février 1998, p. 12.

directement dans les bureaux de vote le jour du scrutin (14 juin) de milliers d'électeurs anglophones dont le nom ne figurait pas sur les listes électorales. En fait, la communauté anglophone s'est rendue en masse pour élire ses nouveaux commissaires, témoignant ainsi de son engagement et de son dévouement envers ses écoles. Le taux de participation a dépassé les 50 p. 100 pour les commissions scolaires anglophones, soit beaucoup plus élevé que celui des électeurs francophones (12 p. 100) le même jour ou lors des dernières élections dans les commissions scolaires confessionnelles (19 p. 100). Dans certaines commissions scolaires, comme celle des Eastern Shores, pas moins de 64 p. 100 des électeurs anglophones inscrits sont allés voter. Les chefs de file de la communauté ont vu dans les résultats des élections un signe de confiance dans les commissions scolaires anglophones.

En septembre, le nombre des inscriptions dans le secteur anglophone a augmenté. Ces dernières années, la diminution de la population scolaire représentait la plus grande source d'inquiétude de la communauté anglophone, le nombre d'enfants inscrits étant passé de 250 000, en 1972, à un peu plus de 100 000 en 1997. Cependant, les données recueillies à la rentrée en septembre montraient une légère augmentation des inscriptions, avec une population scolaire anglophone s'établissant à 108 000, soit 8 p. 100 de plus qu'en 1997. Cette augmentation n'a toutefois pas empêché la fermeture d'autres écoles anglaises; il y en a eu pas moins de huit à Montréal. Ces fermetures et la menace d'une diminution à long terme des inscriptions au système scolaire anglophone ont amené bon nombre de Québécois de langue anglaise à réitérer leur demande au gouvernement d'atténuer les restrictions relatives à l'accès aux écoles anglaises, sujet que le Commissaire a abordé à plusieurs occasions. En règle générale, la loi linguistique du Québec ne permet qu'aux parents ayant été instruits au Canada dans des écoles anglaises et aux résidents temporaires d'expression anglaise d'envoyer leurs enfants à l'école anglaise. Vers la fin de l'année, le président d'Alliance Québec, William Johnson, a annoncé son intention de contester devant les tribunaux les dispositions de la loi linguistique québécoise limitant l'accès aux écoles anglaises.

Outre la réorganisation des commissions scolaires, les réformes de l'éducation au Québec ont amené des changements aux programmes d'études, dont l'enseignement de la langue maternelle et de la langue seconde. Une commission scolaire de langue anglaise, la Commission scolaire Lester-B.-Pearson, dans l'ouest de l'île de Montréal, a constaté la présence de plusieurs modèles différents d'immersion française dans ses écoles. Un examen du système scolaire anglophone, mené en 1997 par la Commission de l'éducation en langue anglaise, sous la direction de la chancelière de l'Université McGill, Gretta Chambers, a relevé les problèmes propres au secteur anglophone, dont le manque de communication avec les parents, l'évaluation des étudiants et, particulièrement, des erreurs dans certaines versions anglaises des manuels scolaires et certains examens. Le maintien des petites écoles est un autre sujet de préoccupation.

Selon de nombreux commentateurs anglophones, le passage au nouveau système ne s'est pas fait sans heurts. Ainsi, des conflits d'opinion ont marqué la répartition des actifs des anciennes commissions scolaires confessionnelles entre les nouvelles commissions scolaires (y compris les actifs qui produisaient des revenus); beaucoup de commissaires d'écoles anglophones ont estimé que le gouvernement du Québec favorisait les francophones à cet égard. Le contrôle du Conseil scolaire de l'île de Montréal, qui distribue des fonds aux commissions scolaires sur l'île de Montréal, a été un autre motif de divergence. Par ailleurs, plusieurs districts scolaires anglophones sont de très grande taille, au point d'être difficiles à gérer. Ainsi, la Commission scolaire Eastern Shores, en Gaspésie, administre également des écoles sur la rive nord du Saint-Laurent, à des centaines de kilomètres. Contrairement à la plupart des commissions scolaires francophones, les commissions anglophones n'administrent pas des territoires correspondant parfaitement aux regroupements administratifs municipaux ou régionaux, ce qui complique la coordination des dossiers de l'emploi, du transport, de l'administration des biens et des taxes pour les commissaires d'écoles anglophones.

La tenue des premières élections au sein des nouvelles commissions scolaires a donné lieu à de sérieux problèmes assez répandus. La loi établissant les nouvelles commissions scolaires prévoyait que les électeurs qui souhaitaient voter dans le secteur anglophone, mais qui n'avaient pas d'enfants fréquentant des écoles anglaises, devaient s'inscrire au moyen de formulaires spéciaux censés leur avoir été envoyés par la poste, sinon leur nom était inscrit sur les listes électorales des commissions scolaires francophones. Les personnes qui ne se sont pas expressément déclarées anglophones ont donc été considérées comme des francophones. Lors du scrutin par anticipation, un grand nombre d'électeurs anglophones n'ont pu exercer leur droit de vote parce qu'ils n'étaient pas inscrits comme anglophones.

Le 9 juin, le Commissaire a écrit à la ministre de l'Éducation d'alors, Pauline Marois, pour souligner le problème général et pour souligner des situations qu'il avait pu observer à l'occasion du scrutin par anticipation : « J'ai été moi-même témoin du rejet de nombreuses personnes qui essayaient de voter par anticipation dimanche dernier; durant une demi-heure, c'était à peu près la moitié des gens en ligne. Plusieurs ont solennellement affirmé qu'ils avaient complété et retourné la formule requise bien avant la date limite du 4 juin. D'autres, ayant constaté que ces importants documents n'avaient pas, dans bien des cas, été personnalisés et ne portaient que le libellé "occupant", ont exprimé la conviction que beaucoup d'électeurs devaient avoir manqué d'en apprécier la teneur et la gravité. »

L'Assemblée nationale a dû adopter à toute vapeur des dispositions législatives spéciales permettant l'inscription

- (8) la Commission scolaire Sir-Wilfrid-Laurier, à Laval;
- (9) la Commission scolaire Western Québec, à Aymer.



LE QUÉBEC

L'année 1998 a présenté des défis à la communauté anglophone dans les domaines de l'éducation, des soins de santé et des affaires communautaires. Les anglophones du Québec ont en effet précisé leurs vus et leurs intérêts particuliers dans ces dossiers et se sont efforcés d'expliquer ceux-ci auprès de leurs concitoyens francophones.

L'éducation

Le quotidien *The Gazette* a fait bon accueil au nouveau système d'éducation reposant sur des commissions scolaires linguistiques plutôt que confessionnelles : « L'avènement des commissions scolaires linguistiques est acclamé par beaucoup d'observateurs, qui y voient une mesure positive pour la communauté anglophone du Québec. L'abolition de l'ancien système scolaire confessionnel, même si elle a entraîné l'abandon de certaines garanties constitutionnelles relatives aux droits des minorités, est perçue comme une belle occasion pour la communauté anglophone de gérer ses propres écoles? » [Notre traduction]

La réforme de l'éducation au Québec, qui a commencé l'an dernier avec l'adoption de lois par l'Assemblée nationale et le Parlement du Canada, prévoyait des commissions scolaires homogènes sur le plan linguistique pour les francophones et les anglophones. Neuf commissions scolaires anglaises couvrant la totalité de la province ont été créées afin d'administrer les 367 écoles que fréquentent les 100 000 élèves anglophones. En vertu du système précédent, la plupart des enfants anglophones fréquentaient des écoles gérées par les 17 commissions scolaires protestantes comptant des majorités anglophones, mais de nombreux enfants anglophones étaient également inscrits dans des écoles gérées par des commissions scolaires catholiques au sein desquelles ils ne constituaient, dans bien de cas, qu'une petite minorité. Le nouveau système offre aux anglophones la chance de grouper leurs ressources à l'intérieur d'un seul secteur scolaire et de gérer toutes les écoles fréquentées par leurs enfants. Il est entré en vigueur le 1<sup>er</sup> juillet. Les neuf commissions scolaires anglaises sont les suivantes :

- 1) la Commission scolaire Central Québec, à Sillery;
- 2) la Commission scolaire Eastern Shores, à New Carlisle;
- 3) la Commission scolaire Eastern Townships, à Magog;
- 4) la Commission scolaire English-Montréal, à Montréal;
- 5) la Commission scolaire Lester-B.-Pearson, à Beaconsfield;
- 6) la Commission scolaire New Frontiers, à Châteauguay;
- 7) la Commission scolaire Riverside, à Saint-Lambert;

<sup>2</sup> *The Gazette*, Montréal, le 19 septembre 1998, p. B4.

permettre de corriger les lacunes révélées par cette enquête et par les dix plaintes reçues cette année. Ces lacunes se rapportaient principalement au manque de supervision en français et à l'utilisisme anglais de documents de travail. Nous suivrons de près l'évolution de la situation.

La plupart des 17 plaintes déposées en 1998 contre Air Canada portaient sur l'absence de service en français au comptoir de ce transporteur à l'aéroport de Moncton. La Société, maintenant plus consciente de la gravité de la situation, a pris des mesures pour y remédier. Elle a fourni de l'information aux employés sur leurs obligations et s'est engagée à ce qu'il y ait du personnel bilingue au sein de chaque quart de travail.

La GRC a fait l'objet de 20 plaintes au Nouveau-Brunswick; 18 ont été déposées en vertu de la Partie IV de la *Loi* et six touchaient les célébrations liées au 125<sup>e</sup> anniversaire de la GRC qui se sont déroulées à Moncton, presque exclusivement en anglais. Trois plaintes contestaient l'absence de service dans la langue préférée du plaignant de la part de membres de la GRC en patrouille sur les routes de la province. La réorganisation institutionnelle de la GRC a eu pour effet de répartir les services centraux et du personnel dans les quatre provinces de la région : les ressources humaines à Terre-Neuve, les services de vérification à l'Île-du-Prince-Édouard, les services généraux au Nouveau-Brunswick et les services d'administration en Nouvelle-Écosse. Cette nouvelle situation inquiète les membres de la GRC travaillant au Nouveau-Brunswick, car les services auxquels ces employés ont droit aux termes de la Partie V de la *Loi sur les langues officielles* sont maintenant assurés, en grande partie, par des bureaux installés dans des régions non désignées bilingues aux fins de la langue de travail. D'ailleurs, ces inquiétudes se sont manifestées dès l'ouverture de ces bureaux par le dépôt de deux plaintes remettant en question l'objectivité dans la détermination linguistique d'un certain nombre de postes.

Bien que le nombre de plaintes reçues contre Citoyenneté et Immigration Canada ait diminué, le Ministère a fait l'objet de trois plaintes en 1998. Elles se rapportaient à l'absence d'accueil et de service en français au bureau de Frederton. Deux autres plaintes reçues en 1997 ont été traitées en 1998. Les plaignants prétendaient que les fournisseurs de services linguistiques chargés d'offrir des cours de langue aux nouveaux arrivants à Moncton ne donnaient ces cours qu'en anglais. Dans un cas, le Ministère a accepté de défrayer les coûts d'un cours en français. Dans l'autre, il a rappelé aux fournisseurs l'obligation d'offrir des cours dans les deux langues officielles. De plus, à l'avenir, on ajoutera au contrat de service une annexe décrivant les attentes du Ministère en matière de service au public dans les deux langues officielles.

Au Nouveau-Brunswick, on compte 5 563 fonctionnaires fédéraux. De ce nombre, 2 341 (42,1 p. 100) occupent des postes exigeant la connaissance des deux langues officielles; 2 048 employés (36,8 p. 100) ont le français comme première langue officielle et 3 515 (63,2 p. 100), l'anglais. Ces chiffres reflètent la composition linguistique de la province.



francophones originaires de Nouveau-Brunswick, en vue de combler certaines des lacunes relevées.

Par ailleurs, la restructuration des services de santé, en particulier à Moncton, a posé des problèmes aux Acadiens qui craignaient de perdre la garantie de certains services en français à la suite de la fusion de leurs établissements. La présidente de la SAANB ayant lancé un cri d'alarme, un comité de surveillance des soins de santé en français a été mis sur pied en octobre à Moncton.

Le 2 mai, le Nouveau-Brunswick a élu un nouveau premier ministre. D'origine acadienne, Camille Thériault a affirmé que l'une de ses priorités serait de réduire à zéro le taux d'assimilation des Acadiens; cet objectif a été bien accueilli par le milieu francophone.

Outre la SAANB, la communauté francophone du Nouveau-Brunswick compte plusieurs organismes communautaires représentatifs. L'un des plus importants est l'Association des municipalités du Nouveau-Brunswick (AMNB), qui regroupe une trentaine de municipalités francophones et bilingues; l'un de ses objectifs est d'assurer les services municipaux en français aux citoyens de langue française. Le Nouveau-Brunswick francophone est également riche en mouvements coopératifs, et l'on estime à plus de 7 000 le nombre de gens d'affaires francophones dans la province. *L'Acadie Nouvelle* est un quotidien qui tire à 18 000 exemplaires, et il existe plusieurs hebdomadaires et revues spécialisées de langue française. La télévision et la radio de Radio-Canada desservent les foyers de langue française; la province compte aussi des stations de télévision et de radio privées ainsi que plusieurs radios communautaires.

### Les services fédéraux

En 1998, 119 plaintes recevables ont été déposées contre des institutions fédérales au Nouveau-Brunswick. Quatre-vingt-quinze de ces plaintes portaient sur l'absence de service au public dans l'une ou l'autre des deux langues officielles, 17 concernaient la langue de travail et sept les désignations linguistiques de postes en voie de dotation.

La majorité des plaintes portant sur le service au public visaient le Service correctionnel du Canada, la Gendarmerie royale du Canada et Travaux publics et Services gouvernementaux Canada.

Le Service correctionnel a fait l'objet de 28 plaintes, portant sur des incidents dans les pénitenciers du Nouveau-Brunswick. Dix-huit d'entre elles traitaient d'infractions à la Partie IV de la *Loi* (communications avec le public et prestation des services) tandis que les autres concernaient les droits des employés en matière de langue de travail au pénitencier de Dorchester; nous y avons mené une enquête approfondie. La mise en œuvre des 21 recommandations formulées dans le rapport devraient

35<sup>e</sup> anniversaire de l'Université, Jean-Louis Pedneault a affirmé, dans l'éditorial du *Madawaska*, le 12 août 1998 : « L'Université de Moncton a fait plus que dispenser de l'enseignement universitaire [...] Elle a aussi contribué à faire progresser nos droits linguistiques, sociaux, économiques, politiques. » Soulignons également que l'École de droit de l'Université a fêté son 20<sup>e</sup> anniversaire cette année.

Plusieurs séances du Sommet de la Francophonie de 1999, qui regroupent 2 500 représentants de 54 pays et gouvernements francophones, se dérouleront à l'Université de Moncton. À ce propos, rappelons qu'à l'issue du VII<sup>e</sup> Sommet tenu à Cotonou au Bénin en 1995, le Centre international pour le développement de l'information en français (CIDIF) a ouvert ses portes à Edmundston, sur le campus de l'Université de Moncton. Depuis lors, le CIDIF offre aux navigateurs francophones d'Internet un service d'accueil sur un réseau électronique francophone international.

Étant donné les liens étroits qui unissent les écoles et les collèges francophones à l'Université de Moncton, le premier ministre Camille Thériault a lancé un débat cette année sur une éventuelle réorganisation des secteurs primaire et secondaire d'une part et postsecondaire d'autre part afin de regrouper l'administration de toutes les institutions de langue française sous un même toit. Présentement, la responsabilité des écoles, et celle des collèges et universités, relèvent de deux ministères différents. Les établissements de langue anglaise seraient regroupés de la même façon. La Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB) a appuyé l'idée de cette réforme. Dans l'édition du 12 juin d'*Acadie Nouvelle*, la présidente de la SAANB, Ghislaine Foulmer, a déclaré : « Le cheminement de l'étudiant francophone [...] sera aussi beaucoup plus facile si nous avons le même cadre provincial. » Cette réforme, qui a fait l'objet de nombreux débats au cours de l'année, n'a pas encore été mise en œuvre.

Outre le dossier de l'éducation, celui de la santé a grandement préoccupé la communauté acadienne en 1998. Rappelons que l'an dernier, une vaste étude sur l'efficacité de la politique gouvernementale dans le domaine des langues officielles a révélé des lacunes dans les services de santé offerts en français par certains hôpitaux, et le gouvernement a annoncé son intention d'améliorer ces services. Une nouvelle étude de la Fédération des communautés francophones et acadienne du Canada intitulée *Gardons notre santé : étude sur le dossier de la santé chez les francophones et Acadiens* a conclu qu'en règle générale, la situation au Nouveau-Brunswick est acceptable et que « les francophones et les Acadiens [...] peuvent compter sur une gamme de services de santé à peu près complets ». Cependant, il y a encore des correctifs à apporter aux services, notamment dans les établissements de Frédéricton, de la Miramichi, de Moncton et de Saint-John. Signifions que le gouvernement provincial collabore depuis plus de 20 ans avec l'Université de Sherbrooke au Québec pour la formation de professionnels de la santé

sein de l'école, des comités de district scolaire et deux commissions provinciales, l'une francophone et l'autre anglophone. Les représentants des comités d'écoles sont élus directement, mais ceux des comités de district et de la commission provinciale sont choisis par les comités du niveau inférieur. Par ailleurs, il faut noter que les comités de parents et la commission provinciale ont peu d'autorité exécutoire; les principaux pouvoirs demeurent entre les mains du ministre.

Par suite de l'examen de la nouvelle loi, certains juristes de l'Université de Moncton ont déclaré que la mise en œuvre de la nouvelle structure ne respecterait pas adéquatement l'article 23 de la *Charte canadienne des droits et libertés*.

Le Commissaire aux langues officielles est intervenu dans ce débat dès le début en faisant une présentation devant un comité de la législature de la province, et il est revenu à la charge plusieurs fois lors d'échanges avec les ministres provinciaux de l'Éducation et de la Justice.

Dans son mémoire du 21 janvier 1997 au Comité permanent de modification des lois du Nouveau-Brunswick relativement au Livre blanc « Proposition pour la Loi sur l'éducation du Nouveau-Brunswick », le Commissaire a déclaré : « Deux questions me semblent au centre de la conformité de la future loi sur l'éducation à l'article 23 : l'étendue du pouvoir de contrôle et de gestion que les parents auront sur l'instruction dans leur langue et leur représentativité au sein des nouvelles entités décisionnelles [...] Les établissements d'enseignement, leur contrôle, leur gestion et leur appartenance à la communauté minoritaire de langue française constituent les principaux éléments des droits constitutionnels des parents sur la gestion de l'instruction en français. »

Le gouvernement a accepté d'apporter quelques modifications à sa réforme. Il a changé la composition des commissions provinciales afin qu'elles soient entièrement formées de parents délégués par les comités de district, sans aucune nomination ministérielle, et il a donné aux commissions provinciales un droit de regard, mais sans pouvoir exécutoire, sur les plans de dépenses annuels. Cependant, pour les éléments essentiels, le gouvernement a poursuivi sa réforme comme prévu. Le nouveau ministre de l'Éducation, Bernard Richard, a fait remarquer que les secteurs francophone et anglophone de l'éducation sont des entités séparées et que les francophones ont leur mot à dire en ce qui a trait au secteur français. Il a aussi affirmé que, selon lui, le gouvernement respecte les lois provinciales sur les langues officielles et sur l'égalité des communautés linguistiques officielles, toutes deux enchevêtrées dans la Constitution du Canada.

Par ailleurs, le gouvernement a convenu d'entreprendre une étude sur la structure de la gouvernance parentale. En février, il a établi un comité composé de quatre membres, dont Rodrigue Landry, doyen de la Faculté des sciences de l'éducation de l'Université de Moncton et spécialiste reconnu du secteur scolaire acadien. Le mandat du comité était double : examiner

quelque 30 recommandations au ministre.

La première recommandation propose l'établissement d'un poste de directeur général en chef dans chaque secteur d'éducation, francophone et anglophone. Ces directeurs généraux rendraient compte à leur commission provinciale respective de la mise en œuvre des plans d'éducation. D'autres recommandations visent l'augmentation des responsabilités des commissions provinciales, l'élimination de la structure intermédiaire de comités de district (entre les comités consultatifs d'écoles et les commissions provinciales), une plus grande sensibilisation des parents quant à leur rôle et responsabilités et l'amélioration des communications.

Cependant, si le ministre de l'Éducation avait espéré que le rapport du comité d'étude fasse taire les critiques, il en a été tout autrement. Les CPNB ont estimé que les recommandations du rapport n'allaient pas assez loin. Dans l'édition du 30 octobre de *L'Acadie Nouvelle*, le directeur exécutif des CPNB, Jean-Judes Basque, a affirmé : « Le rapport ne traite pas sérieusement de la nécessité de donner plus de pouvoir aux francophones sur leur système d'éducation ». À la fin de l'année, nous apprenions que les CPNB s'apprêtaient à s'adresser aux tribunaux.

Outre son secteur scolaire francophone, le Nouveau-Brunswick compte quatre collèges communautaires de langue française situés à Bathurst, Campbellton, Dieppe et Edmundston. Quelque 1 500 étudiants sont inscrits à ces collèges, qui offrent une variété de cours de sciences, de commerce et de métiers professionnels. Cette année, le Collège communautaire de Campbellton a collaboré avec des groupes d'ânes du nord de la province pour créer l'Université du troisième âge de Restigouche. Cette intéressante initiative permettra à des groupes d'ânes de poursuivre leurs études dans une optique d'apprentissage continu.

Le Nouveau-Brunswick est fier de l'Université de Moncton fondée il y a 35 ans. Cet établissement de langue française compte plus de 6 000 étudiants à Moncton et dans deux campus satellites à Shipagan et à Edmundston. À l'occasion du



coopératif de langue française fort dynamique; plusieurs entreprises artistiques francophones; des festivals acadiens annuels; les Jeux de l'Acadie, qui permettent aux jeunes de participer à des compétitions sportives; et un lieu historique national de qualité exceptionnelle à Grand-Pré. Enfin, soulignons le travail de la Fédération des Acadiens de la Nouvelle-Écosse qui représente les intérêts linguistiques, socio-économiques, touristiques et culturels des francophones de tous les coins de la province.

### Les services fédéraux

Cette année, le nombre de plaintes recevables contre des institutions fédérales en Nouvelle-Écosse a connu une augmentation, passant de 129 en 1997 à 148 en 1998. La plupart traitaient de l'absence de service en français. Cinquante-huit plaintes portaient sur la non publication d'annonces dans les médias de langue française quoiqu'elles aient paru dans la presse de langue anglaise.

C'est notamment le public voyageur qui a déposé des plaintes. La très grande majorité de celles mettant en cause Air Canada et son transporteur régional Air Nova se rapportaient à des annonces d'embarquement en anglais seulement à l'aéroport international d'Halifax. Par ailleurs, Transports Canada, qui assure la gestion de cet aéroport, n'arrive pas à convaincre le transporteur Canadien International de se conformer à ses obligations linguistiques. Étant donné qu'elle offre des services au public voyageur en tant que tiers conventionné, cette société est tenue de respecter certaines dispositions du *Règlement sur les langues officielles*. Les annonces d'embarquement sont parfois unilingues et le service en français n'est pas toujours disponible au comptoir. Malgré l'assurance donnée par la direction de Canadien International d'améliorer la situation, nous avons reçu d'autres plaintes vers la fin de l'année.

Toujours à l'aéroport international d'Halifax, Revenue Canada a fait l'objet de quatre plaintes. Celles-ci se rapportaient à l'absence de service en français aux guichets douaniers. D'une part, les douaniers unilingues anglais ne dirigent pas les clients francophones vers leurs collègues bilingues et, d'autre part, le nombre de postes bilingues est insuffisant pour assurer un service dans les deux langues officielles à chaque quart de travail. Revenue Canada s'est engagé à prendre des mesures correctives à ce sujet et nous ferons un suivi au printemps de 1999.

Marine Atlantique n'est toujours pas en mesure de fournir des services en français, ni aux gares maritimes de North Sydney en Nouvelle-Écosse et de Port-aux-Basques à Terre-Neuve, ni à bord des traversiers qui font la navette entre ces deux endroits, sauf dans une certaine mesure durant la période estivale. Les plaintes ont démontré que, même en été, le service en français n'est pas assuré en tout temps à la gare maritime de North Sydney. Pour redresser la situation durant l'automne et l'hiver, Marine Atlantique prévoit doter cinq postes bilingues, un à la

gare maritime de North Sydney, un à la gare de Port-aux-Basques et trois à bord du traversier entre ces deux postes maritimes. Durant la période estivale, la Société s'est engagée à affecter deux employés bilingues aux postes de péage situés à l'extérieur du terminal à North Sydney.

Pour sa part, Parcs Canada s'est engagé à améliorer la prestation des services en français au parc national des Hautes-Terres-du-Cap-Breton, notamment du côté d'Ingomish. L'organisme doit également corriger certaines lacunes en matière de service en français à la forteresse de Louisbourg.

L'application de la *Loi sur les langues officielles* au ministère des Pêches et Océans pose des problèmes, principalement au bureau de Yarmouth. Cette année encore, ce bureau a fourni aux pêcheurs francophones du sud-ouest de la province des formulaires en anglais seulement. Par surcroît, le Ministère a pris six mois avant de traduire ces documents.

Par ailleurs, les plaintes à l'encontre de Développement des ressources humaines ont surtout porté sur l'absence de publicité dans les deux langues officielles. Au 31 décembre, la plupart de ces plaintes étaient toujours à l'étude.

D'autres institutions fédérales ont connu plus de succès au chapitre du service au public. En effet, grâce aux contributions et aux interventions de Téléfilm Canada et de l'Office national du film, la programmation du Festival du film en Atlantique, à Halifax, comptait 12 films en français en 1998 comparativement à un seul film sous-titré en français en 1997.

Le gouvernement fédéral emploie 9 710 fonctionnaires fédéraux en Nouvelle-Écosse. De ce nombre, 1 007 ou 10,4 p. 100 occupent des postes désignés bilingues. Des 9 710 fonctionnaires fédéraux, 9 174 ou 94,5 p. 100 ont indiqué l'anglais comme langue officielle contre 536 ou 5,5 p. 100 pour le français.

### LE NOUVEAU-BRUNSWICK

« Nous croyons que la nouvelle loi [scolaire] nie le droit de contrôle de la gestion reconnu par les tribunaux aux minorités de langues officielles. La structure de participation ne permet pas à ce droit de gestion de s'exercer pleinement. En somme, tout en reconnaissant que le ministre [de l'Éducation] doit exercer ses compétences, il faut chercher un meilleur équilibre entre l'exercice de ses responsabilités et le droit à la gestion des parents francophones. »

C'est ainsi que le président des Comités de parents du Nouveau-Brunswick (CPNB). Claude Nadeau, s'est exprimé dans une lettre au ministre de l'Éducation le 14 octobre 1997 pour lui faire part des objections des parents francophones face à la réforme scolaire du gouvernement. Rappelons qu'en mars 1996, le gouvernement avait remplacé tous les conseils scolaires de langues française et anglaise par une nouvelle structure composée de trois paliers : des comités consultatifs de parents au



éducation de la Faculté des sciences de l'éducation, est fondé sur une série de tests administrés à 465 élèves néo-écossais dans cinq écoles secondaires de diverses parties de la province. Il a été rendu public en mars et a contribué à atténuer la crainte, répandue dans la population, que les jeunes qui fréquentent l'école homogène de langue française pourraient devenir unilingues.

Rappelons que, traditionnellement, les écoles dites acadiennes ont été bilingues et qu'une partie de l'instruction s'y donnait en anglais. La Fédération des parents acadiens de la Nouvelle-Écosse (FPANE) a exercé des pressions en faveur de la conversion de l'école acadienne en une école homogène française, soit une école accueillant tous les élèves francophones et ayant un régime pédagogique français, exception faite de l'anglais langue seconde. Cependant, il y a des parents qui s'opposent à cette réforme et qui demandent le maintien de l'école acadienne. Ce débat s'est poursuivi pendant toute l'année dans plusieurs communautés francophones.

Depuis sa création en mai 1996, le Conseil scolaire acadien provincial (CSAP) est responsable de la gestion des écoles francophones de la province. Au départ, il avait envisagé la conversion de ses 18 écoles acadiennes en écoles homogènes de langue française, sur une période de quelques années. L'installation de l'école homogène de langue française a été particulièrement réussie à Dartmouth-Halifax, où l'école du Carrefour du Grand Havaré, qui est une école francophone homogène depuis son établissement en 1991, a connu un grand succès. L'achalandage de cette institution a entraîné l'ajout de plusieurs classes mobiles. L'école a demandé la construction de nouveaux immeubles. Le gouvernement a accepté de bâtir deux nouvelles écoles élémentaires, une sur le terrain du Carrefour et l'autre dans la région de Bedford/Sackville. Lorsque la construction de ces écoles sera complétée, le Carrefour sera appelé à devenir une école secondaire. Ailleurs en province, le processus de conversion d'école acadienne à école homogène est plus controversé et s'avère particulièrement problématique dans les cas des écoles secondaires acadiennes de Clare et d'Argyle, dans le sud-ouest de la province.

Alors que certains parents de Clare prônent fortement la conversion, d'autres la rejettent tout aussi fermement. Le Comité pour une éducation de qualité en français dans Clare a été mis sur pied au printemps et 600 parents ont signé une pétition en faveur de la création immédiate d'une école homogène de langue française. Le Comité a même trouvé un emplacement propice sur le campus de l'Université Sainte-Anne à Pointe-de-l'Église. Par la suite, le CSAP a créé un sous-comité pour étudier la question et celui-ci a endossé la proposition d'une école homogène. Cependant, lors d'une réunion plénière au mois de mai, le CSAP a fait marche arrière devant l'opposition d'un groupe de parents. Il n'a pas retenu la proposition de l'établissement immédiat d'une école française homogène mais a proposé, en guise de compromis, une solution complexe. Le CSAP a décidé de conserver l'école existante en y créant trois divisions; ainsi,

L'école de Clare intégrerait à la fois un programme homogène en français, un programme mixte en français et en anglais, et un troisième programme en anglais. Normalement, ce dernier relevait du South West Regional School Board, mais il a été géré temporairement par le CSAP pour accommoder ce conseil scolaire. Un comité formé de représentants du ministère de l'Éducation, du CSAP et du South West Regional School Board a recommandé au gouvernement la construction de deux écoles anglaises, l'une dans Clare et l'autre dans Argyle, ainsi que des rénovations majeures dans les deux écoles secondaires existantes. Celles-ci deviendraient des écoles homogènes de langue française.

Les parents qui revendiquaient l'école homogène de langue française n'ont pas accepté cette proposition d'école hybride. Une nouvelle protestation auprès du CSAP n'ayant apporté aucun changement, ils ont décidé de s'adresser aux tribunaux. Ils y ont déposé une action à deux volets : ils demandent d'abord au juge de se prononcer sur la légalité des écoles mixtes dans le contexte de l'article 23 de la *Charte canadienne des droits et libertés* et, dans un deuxième temps, d'ordonner la mise en place d'écoles homogènes dans Clare et dans trois autres régions acadiennes, soit Chéticamp, Île Madame et Argyle. Compte tenu de son intérêt à l'égard de la mise en œuvre de l'article 23, le Commissaire aux langues officielles a demandé et obtenu le statut d'intervenant dans la requête. Cependant, au moment de mettre sous presse, la cause n'avait pas encore été entendue. Le juge a statué que les dépositions des témoignages seraient recueillies en anglais et que la documentation devait être présentée dans cette langue. La FPANE a estimé que le coût de la traduction des documents s'élèverait à environ 50 000 \$, montant qui dépassait de beaucoup ses moyens. En fin de compte, des traducteurs ont offert leurs services bénévolement et ont accompli l'énorme tâche.

Le secteur éducatif postsecondaire de langue française en Nouvelle-Écosse est en pleine évolution. D'une part, le Collège de l'Acadie dispense des cours à des étudiants de toute la province inscrits dans 11 programmes d'études différents. L'« institution sans murs », comme il est convenu de la nommer, offre des cours à distance à partir de pas moins de sept centres. En outre, l'Université Sainte-Anne offre des cours de lettres, de sciences, de commerce et d'éducation à près de 200 étudiants; elle peut aussi s'enorgueillir à bon droit de sa grande renommée dans l'enseignement des langues secondes. L'Université a aussi lancé cette année un Institut d'études acadiennes. Lors de la collation des grades, le 9 mai, l'Université a décerné des diplômes à 57 finissants et deux doctorats honorifiques, un à la ministre du Patrimoine canadien, Sheila Copps, et l'autre au journaliste acadien Robert Pichette.

La Nouvelle-Écosse possède deux radios communautaires de langue française : CIFA dans Clare et CKJM à Chéticamp. L'hebdomadaire francophone *Le Courrier de la Nouvelle-Écosse* existe depuis 61 ans. La province compte un mouvement

deux langues officielles. Lorsqu'elles le font, elles n'utilisent pas toujours les médias qui leur permettraient d'agir conformément aux dispositions de la *Loi sur les langues officielles* en matière de communications. Ainsi, de ces 54 plaintes reçues, 36 portaient sur des infractions liées à cette question.

Quelques plaintes ont attiré notre attention de façon plus particulière, soit qu'elles mettaient en lumière des situations nécessitant une intervention par voie de recommandation, soit que la plainte traitait d'un problème sérieux sur le plan de la prestation des services dans la langue de la minorité. Ainsi, le ministère des Anciens combattants a dû réviser ses pratiques quant au recours au décret d'exclusion sur les langues officielles, pratiques qui permettraient à des unilingues anglophones d'occuper des postes bilingues sans respecter les règles relatives aux exigences linguistiques.

Par ailleurs, le Commissaire a recommandé au SCT de tenir davantage compte des obligations imposées aux termes de la Partie VII de la *Loi* lors de la négociation ou de la renégociation d'ententes fédérale-provinciales dans le cadre de programmes d'envergure nationale, notamment ceux ayant trait aux infrastructures.

Finalement, Santé Canada a une fois de plus cette année fait l'objet de critiques : deux plaintes ont démontré que son seul bureau de la province ne dispose encore d'aucun employé bilingue. C'est un constat que nous avions nous-mêmes fait lors de notre suivi sur les points de service; pour corriger la situation, le Ministère prévoit doter un poste bilingue.

Rappelons que 62 des 146 bureaux fédéraux à l'Île-du-Prince-Édouard ont l'obligation d'assurer leurs services dans les deux langues officielles. Pour les aider à satisfaire à ces obligations, il existe 456 postes bilingues sur un total de 2 324 (19,6 p. 100). Ce nombre peut paraître élevé, compte tenu de la proportion de la minorité francophone, mais il faut se rappeler que ce total comprend tous les employés bilingues du ministère des Anciens combattants dont le siège social à Charlottetown assure des services à l'échelle du pays.

## LA NOUVELLE-ÉCOSSE

« La présente étude démontre clairement que les craintes de beaucoup de parents néo-écossais d'origine francophone quant aux effets néfastes possibles d'une trop forte scolarisation de leurs enfants en français ne sont pas fondées. Au contraire [...] plus la scolarisation en français est forte, plus le degré de bilinguisme est élevé et plus ce bilinguisme est de nature additive. »

Telles sont les conclusions des professeurs Rodrigue Landry et Réal Allard de l'Université de Moncton dans leur rapport *Langue de la scolarisation et développement bilingue : le cas des Acadiens et francophones de la Nouvelle-Écosse*. Ce rapport, publié par le Centre de recherche et de développement en

Affaires francophones, qui relève du ministre de la Technologie et de l'Environnement, Mitchell Murphy. Ce dernier a suscité beaucoup d'attentes au sein de la communauté francophone en ouvrant un centre de services en français à Summerside et en annonçant la préparation d'une loi sur les services en français. Des consultations à ce sujet ont eu lieu avec la Société Saint-Thomas-d'Acquin (SSTA), qui représente les francophones de l'Île; par la suite, le projet de loi a été déposé officiellement devant l'assemblée législative. Dans *La Voix acadienne*, l'éditorialiste Jacinthe Laforest a souligné combien la population francophone est heureuse de ces initiatives du gouvernement.

L'Île-du-Prince-Édouard est fière de sa Semaine provinciale de la francophonie, dont la septième édition, présentée du 19 au 25 avril, a été parrainée par la SSTA, de concert avec les ministres de l'Éducation et des Affaires francophones. Le drapeau acadien a été hissé devant le parlement provincial et des centaines de francophones et d'anglophones bilingues ont participé à des activités au centre culturel du Carrefour de l'Isle-Saint-Jean et à plusieurs autres centres de l'Île.

Outre les activités culturelles, la SSTA œuvre dans de nombreux secteurs : la négociation d'une nouvelle entente Canada-communauté, la promotion du tourisme et la mise en place de mécanismes favorisant la participation de la communauté francophone de l'Île au Sommet de la Francophonie de Moncton en 1999. La communauté francophone peut aussi être fière de l'action dynamique de son mouvement coopératif qui regroupe, entre autres, des épicières, des caisses populaires et un village touristique. Souliçons, enfin, que la communauté de langue française entend participer activement à la mise en œuvre des accords entre les gouvernements fédéral et provincial concernant les services en français des programmes de main-d'œuvre et de l'assurance-emploi.

## Les services fédéraux

Au total, 54 plaintes recevables ont été déposées en 1998 à l'encontre d'institutions fédérales à l'Île-du-Prince-Édouard alors que le nombre de plaintes s'élevait à 93 en 1997. Le rapport de suivi de l'étude sur les bureaux fédéraux désignés pour répondre au public en français et en anglais dans cette province, rendu public en février 1998, a sans doute contribué à corriger des lacunes au chapitre de la prestation des services.

Parmi les institutions fédérales les plus souvent mises en cause dans les plaintes portées à l'attention du Commissaire, mentionnons Air Canada et son transporteur régional Air Nova, qui ont fait l'objet de 27 plaintes. La plupart de ces plaintes se rapportaient au non-usage de la presse minoritaire. Suit le Commissariat de la fonction publique, Travaux publics et Services gouvernementaux Canada ainsi que la Banque de développement du Canada avec quatre plaintes chacune.

Une analyse détaillée des plaintes révèle que plusieurs institutions fédérales ne communiquent pas avec le public dans les



Les parents ont vite conclu qu'il leur fallait s'adresser à la Cour suprême du Canada pour obtenir la révision de cette décision. La Cour suprême a accepté d'entendre l'appel des parents et le Commissaire a demandé et obtenu le statut d'intervenant.

Soulignons que les enfants francophones de Summerside ne sont pas les seuls à avoir difficilement accès à l'école française. Des parents de Tignish dans l'ouest de l'Île ont demandé une école française, mais le nombre d'enfants (15) n'a pas été jugé suffisant pour que les autorités scolaires accèdent à leur demande. Cependant, des francophones du comté de Prince ont jeté les bases de la planification d'un centre scolaire et communauté dans leur district.

Outre les difficultés d'accès à l'école française, la communauté francophone de l'Île fait face à des taux élevés de décrochage et de transferts à l'école anglaise. La FPIPE a parrainé une étude spéciale sur cette question afin de mieux connaître l'ampleur du problème et d'examiner les mesures à prendre. L'étude a porté principalement sur l'école François-Buote de Charlottetown et a permis de constater un taux élevé de « décrochage culturel », c'est-à-dire des départs vers l'école anglaise entre les 7<sup>e</sup> et 8<sup>e</sup> années et entre les 10<sup>e</sup> et 11<sup>e</sup> années. Le facteur le plus souvent cité pour expliquer ces départs était le choix insuffisant de cours au secondaire ainsi qu'un manque relatif d'activités scolaires et parascolaires en langue française. Pour résoudre ces problèmes, l'étude a avancé plusieurs recommandations, notamment la création d'un Comité de valorisation des élèves, un plus grand engagement de la communauté francophone dans ses écoles et une collaboration avec les écoles de langue anglaise pour l'enseignement de l'anglais langue seconde.

Au total, l'Île-du-Prince-Édouard compte près de 700 élèves inscrits à ses deux écoles françaises, l'école Evangéline d'Abrams-Village et l'école François-Buote de Charlottetown, toutes deux sont régies par le conseil scolaire francophone. L'Île possède également une institution postsecondaire de langue française, la Société éducative de l'Île-du-Prince-Édouard, à Wellington, associée au Collège de l'Acadie et au réseau collégial de langue française de la Nouvelle-Écosse. La communauté francophone était fière des 26 finissants qui ont reçu cette année des diplômes dans des disciplines aussi diverses que la technologie des affaires et les soins à la petite enfance. Lors d'une visite à Abrams-Village le 8 août, le Commissaire aux langues officielles a lancé son étude intitulée *La gestion scolaire : la mise en œuvre de l'article 23 de la Charte*. Dans cette étude présentée devant le congrès de l'Association canadienne d'éducation en langue française, le Commissaire précise toute l'importance qu'il attache à la pleine reconnaissance de cet article.

Depuis longtemps, le gouvernement de l'Île-du-Prince-Édouard reconnaît son obligation d'offrir des services en français à la population francophone comme en témoigne le Secrétariat des

indiqué que le nombre d'enfants admissibles à une éventuelle école française à Summerside se chiffrait à 376 bien qu'une vingtaine d'enfants seulement fassent présentement le trajet de près d'une heure pour se rendre à l'école Evangéline. Cependant, le gouvernement a rejeté la demande des parents sous prétexte que le nombre d'inscrits actuellement ne justifie pas la création d'une école, et que les coûts ne pourraient être absorbés à même son budget actuel. Deux parents codemandeurs et la FPIPE se sont donc adressés aux tribunaux.

Devant la cour de première instance, les parents ont eu gain de cause. Le 8 janvier 1997, le juge J. A. DesRoches de la Cour suprême de l'Île-du-Prince-Édouard a décidé que, en vertu de l'article 23 de la *Charte canadienne des droits et libertés*, les enfants francophones de Summerside étaient assez nombreux pour obtenir leur propre école. Il a écrit : « Le critère de justification par le nombre, appliqué aux faits de l'espèce, commande une réparation correspondant au niveau supérieur des exigences variables décrites par la Cour suprême dans l'arrêt *Mahe*. À mon avis, l'alinéa confère aux demandeurs le droit de faire instruire leurs enfants au niveau primaire dans des classes de français sur les fonds publics dans le district de Summerside<sup>1</sup>. » [Notre traduction] En même temps, le juge a demandé au ministre de l'Éducation de modifier la loi et les règlements scolaires et d'offrir des classes françaises à Summerside.

Le ministre n'a pas donné suite à l'ordonnance de la cour. Loin de créer une école française à Summerside, il a continué à évoquer des difficultés budgétaires, à faire des comparaisons avec le secteur scolaire anglophone (distance et durée du trajet) et à servir d'autres arguments avant de s'adresser à la Cour d'appel de la province. Cette dernière a entendu l'appel le 24 avril 1998 et a renversé la décision du juge DesRoches. Dans sa décision, à laquelle ses deux collègues avaient également acquiescé, le juge J. A. McQuaid a donné raison au ministre de l'Éducation tant pour ce qui est de l'évaluation du nombre d'enfants visés que du trajet que doivent effectuer les enfants anglophones comparativement aux élèves francophones. À son avis, la situation de ces derniers est normale. De plus, selon la cour, le ministre avait invoqué avec raison les avantages d'un régime pédagogique dans une école française homogène, comme celle de l'école Evangéline.

La déception a été grande dans la communauté francophone. Les parents ont affirmé que la Cour d'appel n'avait pas tenu compte de l'aspect réparateur de l'article 23 tel que décrit dans l'affaire *Mahe*, ni de la situation particulière d'une communauté minoritaire. Dans *La Voix acadienne* du 29 avril 1998, une codemanderesse a commenté : « Nous avons présenté [...] beaucoup d'arguments qui faisaient appel au domaine de la sensibilité [...] les juges ont décidé de ne pas en tenir compte. »

<sup>1</sup> Décision rendue par le juge Joseph Armand DesRoches, *Renvoi de la province de l'Île-du-Prince-Édouard*, section 14794, p. 43.



fait l'objet de deux plaintes à la suite du départ du conseiller à l'emploi bilingue. Les services bilingues sont maintenant fournis par une contractuelle, grâce à une entente d'un an entre le Ministère et la radio communautaire de la région.

Les trois plaintes mettant en cause Parcs Canada étaient liées à l'absence de services en français aux parcs de Terra Nova et de Gros-Morne. L'institution prévoit corriger les lacunes à Gros-Morne en offrant à son personnel la formation linguistique appropriée et à Terra Nova en augmentant le nombre d'employés bilingues.

Avant de monter à bord du traversier entre Port-aux-Basques (Terre-Neuve) et North Sydney (Nouvelle-Écosse), les automobilistes doivent s'arrêter au poste de contrôle de l'Agence canadienne d'inspection des aliments. L'Agence a fait l'objet de deux plaintes. Dans l'immédiat, elle a rappelé aux employés la nécessité d'accueillir le public dans les deux langues officielles et de le servir dans la langue de son choix. Des étudiants bilingues ont été embauchés durant la saison touristique. À long terme, l'Agence étudie la possibilité de désigner deux postes bilingues et, au besoin, d'offrir aux titulaires une formation linguistique.

Revenu Canada a envoyé à un client dont la préférence linguistique est le français un état de compte avec des renseignements en anglais. La plainte a été réglée rapidement et de façon satisfaisante. Dans un autre cas, certains formulaires n'étaient pas disponibles en français. Bien que Revenu Canada en ait déjà commandés, nous lui avons rappelé de mieux contrôler ses réserves.

En septembre 1998, la fonction publique fédérale à Terre-Neuve comprenait 4 466 employés, dont 81 ou 1,8 p. 100 occupaient des postes exigeant la connaissance des deux langues officielles.

## L'ÎLE-DU-PRINCE-ÉDOUARD

« Une école à Summerside serait le meilleur moyen de favoriser le maintien et l'épanouissement de la communauté minoritaire de langue française dans cette région. » [Notre traduction] Voilà un des arguments que la Fédération des parents de l'Île-du-Prince-Édouard (FPIPE) a présentés à la Cour suprême du Canada lorsqu'elle a demandé le droit d'en appeler d'une décision de la Cour d'appel de la province dans le conflit qui l'oppose au gouvernement de l'Île-du-Prince-Édouard.

Rappelons que les enfants francophones de la ville de Summerside ne possèdent pas d'école de langue française dans leur région; ils doivent soit fréquenter l'école anglaise, soit se rendre à l'école Évangéline située à Abtrams-Village, à quelque 30 kilomètres à l'ouest. Depuis longtemps, les parents réclament une école de langue française à Summerside et ils estiment que le nombre d'enfants justifie une école primaire. Dans un rapport de témoin-expert présenté devant la cour, Angéline Martel, professeuse à la Télé-université de l'Université du Québec, a

En mai, les francophones de Terre-Neuve ont pris part à un important forum de réflexion sur l'avenir de la communauté francophone. Sous le thème « Ensemble pour l'avenir », plus d'une centaine de délégués, dont près d'un quart était des jeunes, ont célébré les réalisations de la communauté au cours des 25 dernières années : la Route des ancêtres, Radio Labrador, la transmission du signal de télévision de Radio-Canada de Moncton, l'établissement du centre scolaire et communautaire Sainte-Anne, la parution du livre intitulé *Contre vents et marées*, la diffusion du film *Ga vient du t'chœur*, les cours d'alphabétisation pour adultes, la prématernelle « Les Oisillons » et, bien sûr, la création du CSFP. Les délégués ont également défini de nouvelles orientations pour l'avenir.

La définition d'une vision commune n'est pas chose facile pour la communauté francophone de Terre-Neuve, puisque les besoins diffèrent beaucoup d'une région à l'autre. La communauté francophone compte en effet des résidents d'une base militaire (Goose Bay) qui sont assez mobiles; des habitants d'une ville minière (Labrador City) qui a été fondée en 1962 et dont la population est originaire du Québec ou du Nouveau-Brunswick; des résidents de St. John's où les francophones ont commencé à s'établir il y a 30 ans; et la population d'une péninsule colonisée par les Acadiens et les Français vers 1850. Les participants au colloque ont cependant réussi à déterminer des domaines prioritaires, comme le développement économique, l'enseignement en français et la prochaine ronde de négociations avec le gouvernement fédéral en vue du financement d'un grand nombre des organisations francophones de la province.

En mai, le Commissaire a rencontré des représentants de la Fédération des francophones de Terre-Neuve et du Labrador afin de discuter de leurs préoccupations.

Terre-Neuve a commencé à organiser les festivités qui marqueront l'an prochain le 50<sup>e</sup> anniversaire de l'entrée de la province dans la Confédération. Une fête francophone figure au programme de « Soirée 99 », qui s'insère dans l'éventail des manifestations prévues, des Jeux d'hiver du Canada qui auront lieu à Corner Brook à la tenue des East Coast Music Awards de 1999 (prix de l'industrie du disque et du spectacle de la Côte est) à St. John's.

## Les services fédéraux

En 1998, le nombre de plaintes recevables a augmenté, se chiffrant à 19 comparativement à huit l'an dernier. La plupart des plaintes étaient liées aux communications écrites, téléphoniques et en personne.

Le ministère du Développement des ressources humaines a été mis en cause à cinq reprises. Trois des plaintes concernaient le Centre des ressources humaines (CRH) à St. John's. Le Ministère a reconnu que le nombre d'employés bilingues n'était pas suffisant et a embauché quatre personnes bilingues pour répondre à la demande en français. Le CRH de Labrador City a

## 2. LES PROVINCES ET LES TERRITOIRES

### TERRE-NEUVE

Après s'être battue pendant des années pour obtenir la pleine reconnaissance de ses droits en matière d'éducation, en vertu de l'article 23 de la *Charte canadienne des droits et libertés*, la communauté francophone de Terre-Neuve a enfin obtenu cette année les pleins pouvoirs à l'égard de la gestion scolaire. Le 25 janvier, le Conseil scolaire francophone provincial (CSFP) tenait sa première réunion dans ses bureaux de St. John's. Le 1<sup>er</sup> juillet 1998 marque une autre date importante pour la communauté francophone puisque ce jour-là, le CSFP est devenu responsable de son personnel et de l'administration des écoles.

Le nouveau conseil scolaire a été créé, en mai 1997, par un projet de loi modifiant la loi scolaire et il est investi des mêmes pouvoirs que tous les autres conseils scolaires, en vertu des articles 75 et 76 du projet de loi. Ce dernier prévoyait aussi la création, dans chaque école, d'un conseil d'école responsable des missions linguistique et culturelle ainsi que du programme d'études de l'établissement; à l'heure actuelle, ce conseil ne joue qu'un rôle consultatif. En vertu de la loi scolaire, les conseils d'école doivent approuver un plan visant à promouvoir la culture et la langue françaises et à favoriser au sein de l'école un climat propice à l'épanouissement des francophones. Ce plan doit être soumis pour recommandation au conseil scolaire et appuyer tout autre plan semblable approuvé par le CSFP. La loi scolaire stipule aussi que le conseil scolaire est tenu de consulter les membres votants des conseils d'école quant au fonctionnement de l'école dont ils sont responsables, y compris l'affectation des enseignants et d'autres membres du personnel.

En décembre 1997, les électeurs admissibles (le parent d'un élève d'une école française, qui est inscrit en vue de fréquenter une école française ou qui est admissible en vertu de la loi scolaire à fréquenter une école française) ont élu les membres des quatre conseils d'école. Les membres votants des conseils d'école ont ensuite élu les dix conseillers du Conseil scolaire. Le conseil d'école de Port-au-Port a élu quatre membres, tandis que ceux de l'ouest et de l'est du Labrador ainsi que de St. John's en ont élu deux chacun. Sept des nouveaux conseillers avaient fait partie du Conseil provisoire.

Lors de la première assemblée générale annuelle du CSFP, tenue en septembre au centre scolaire et communautaire Sainte-Anne, à Grand'Terre, le président du conseil, Richard Charron, a résumé les réalisations du Conseil scolaire et du personnel provisoire : recrutement des gestionnaires et du personnel de soutien; élection des membres du Conseil scolaire et des conseils d'école; élaboration préliminaire de la structure organisationnelle; établissement du siège social; mise sur pied du Centre de ressources pédagogiques au centre scolaire et communautaire Sainte-Anne (des centres satellites seront éventuellement établis



On planifie en 1999 une quinzaine de la dramaturgie francophone au Centre national des arts à Ottawa.

Dans le domaine théâtre, la communauté anglo-québécoise jouit d'un nombre important de compagnies regroupées sous le parapluie de la Fédération d'art dramatique du Québec (Québec Drama Federation). Le Centre est le théâtre professionnel le plus important et Geordie Productions, qui a présenté la pièce *Then and Now* d'Anne Chislett, commandée par le Commissaire, continue son précieux travail dans de nombreuses écoles et plusieurs centres communautaires anglophones au Québec ainsi que dans les provinces voisines.

Ottawa a maintenant un nouveau centre de théâtre francophone, La Nouvelle Scène, qui regroupe quatre compagnies qui veulent se doter de locaux permanents. Le consortium a acheté l'ancien Atelier du Centre national des arts; les rénovations vont bon train, et l'ouverture est prévue pour avril 1999.

En juin dernier, deux ententes majeures ont été signées. La Fédération culturelle canadienne-française (FCCF), à qui le Commissaire a offert un appui soutenu, a conclu un accord avec le Conseil des arts du Canada, le ministère du Patrimoine canadien et le ministère des Affaires étrangères et du Commerce international. Il s'agit d'un appui important aux éditeurs des milieux minoritaires. (Une entente similaire, signée en 1997, portait sur le domaine du théâtre.)

Le deuxième accord de la FCCF, cette fois avec le Centre national des arts, le Conseil des arts du Canada et le ministère du Patrimoine canadien, vise une trentaine de projets précis dans les domaines de la distribution de produits culturels, la diffusion, la promotion et la visibilité, la consolidation des infrastructures et, enfin, la création et la production.

Sur le plan économique, le deuxième Forum des gens d'affaires francophones a eu lieu à Winnipeg. Rassemblant plus de 400 délégués, il a permis la signature d'accords de coopération entre une centaine d'organismes et d'entreprises.

particulières. Il a été conçu comme institution d'éducation à distance mais on s'est rendu compte avec le temps que l'absence d'un campus permanent prive les étudiants de contacts humains enrichissants et d'une vie sociale; le Collège cherche donc d'importants investissements additionnels.

## VIE ET VITALITÉ DES COMMUNAUTÉS

Les transferts de responsabilités fédérales continuent de préoccuper les communautés, qui ont favorablement accueilli le rapport du Commissaire à ce sujet. Cette étude faisait partie intégrante du *Rapport annuel 1997*. (Le groupe de travail recommandé par le Commissaire a été promptement créé par le gouvernement et a déposé son rapport le 19 janvier 1999. Voir à la partie II 1.), pour plus de détails.)

Le Commissaire se réjouit de la constitution en réseau des radios communautaires. Par contre, il reçoit de nombreuses plaintes concernant la non-disponibilité, dans diverses communautés de langue officielle vivant en situation minoritaire, de certaines chaînes de télévision. (Pour plus de détails, voir dans la présente partie, la section 2.)

Des événements annuels continuent de remporter des succès éclatants. Les salons du livre attirent toujours des foules; il y a lieu de mentionner non seulement celui de Toronto, mais aussi celui de Hull qui, quoique tenu au Québec, met en vedette des éditeurs et auteurs franco-ontariens. En ce qui concerne les festivals, celui du Voyageur à Winnipeg, celui de la Nuit sur l'étang à Sudbury et le Festival franco-ontarien à Ottawa n'en sont que quelques exemples.

La Télévision française de l'Ontario (TFO), qui s'est beaucoup inquiétée de son avenir, semble avoir maintenant des bases solides et est en train d'élargir son rayonnement à l'extérieur de la province.

L'Ouest canadien dispose dorénavant d'un site Internet sur les communautés d'expression française intitulé « Courtepointe de l'Ouest ».



A Whitehorse, au Yukon, les enfants francophones fréquentent maintenant leur nouvelle école Emile-Tremblay, salubre et bien équipée; la gestion scolaire va son train. Dans les Territoires du Nord-Ouest, une action intentée en 1990 a été suspendue par suite de négociations avec le gouvernement, qui ont abouti à l'adoption en 1995 d'une nouvelle *Loi sur l'éducation*. Il n'est pas exclu que d'autres litiges surviennent cependant, car les pleins droits de gestion semblent être réservés à une « commission scolaire de division » qui n'a jamais été créée.

AUTRES DÉVELOPPEMENTS EN ÉDUCATION

La Commission nationale des parents francophones, constatant les progrès en ce qui concerne la gestion scolaire, s'est attardée au contenu même de l'éducation et aux résultats. C'est ainsi qu'a été créé le Consortium francophone de l'éducation, formé de huit associations qui s'intéressent à diverses facettes de ce domaine et qui veulent élaborer ensemble un Projet éducatif pancanadien (PEP). Les partenaires du PEP tentent de développer une vision commune de l'éducation et de trouver ainsi « des solutions nationales qui donneront des résultats concrets ». Leur vision débordera le cadre de l'éducation pour tenir compte de la culture, du renforcement de l'identité et du développement d'outils d'épanouissement.

Le Regroupement des universités de la Francophonie hors Québec (présidé par Dyane Adam, principale du Collège Glendon de l'Université York et future Commissaire aux langues officielles), a créé un réseau d'apprentissage à distance qui permettra à un étudiant de toute institution membre de s'inscrire à un cours offert par une autre université.

L'Université d'Ottawa a célébré son 150<sup>e</sup> anniversaire.

Le Collège universitaire de Saint-Boniface a obtenu un financement fédéral-provincial accru et se propose de doubler ses inscriptions au cours des cinq prochaines années.

La Faculté Saint-Jean de l'Université de l'Alberta a remporté un important prix québécois, le Prix du 3 juillet 1608.

Au Québec, le secteur universitaire, obligé de composer avec les frais de scolarité les plus bas en Amérique du Nord, fait face à des compressions budgétaires répétées. L'Université McGill, qui durant plusieurs années a dominé le palmarès annuel de la revue *Maclean's*, a glissé au troisième rang. L'inquiétude à ce sujet ne se limite pas à la communauté d'expression anglaise et à ses institutions.

L'Ontario a, depuis un certain temps déjà, trois institutions de niveau collégial. L'expansion presque fulgurante qu'a connue la Cité collégiale d'Ottawa au cours des récentes années se maintient. Le Collège Boréal, dont le campus principal est à Sudbury, fait face à des compressions budgétaires mais réussit assez bien malgré tout. C'est le Collège des Grands Lacs, situé dans le sud-ouest de la province, qui connaît des difficultés

divergence de vues persiste entre les parents acadiens et le gouvernement. Celui-ci ayant restructuré en profondeur l'administration du système scolaire, les parents se retrouvent avec des pouvoirs qui, à leurs yeux (et le Commissaire partage leur avis), sont moindres que ceux définis par la Cour suprême du Canada dans ses interprétations de l'article 23 de la *Charte*. Les parents ont eu des pourparlers avec le gouvernement et le Commissaire a rencontré les ministres de l'Éducation et de la Justice, mais l'impasse demeure et les tribunaux ont été saisis du dossier.

Au Québec, par suite d'une modification constitutionnelle sur laquelle les gouvernements provincial et fédéral se sont entendus, des commissions scolaires linguistiques ont remplacé les structures confessionnelles qui existaient depuis la Confédération. Les commissions anglophones sont passées de 17 à neuf, ce qui donne dans plusieurs cas de très vastes territoires à administrer. La communauté d'expression anglaise continue de s'inquiéter de la tendance à la baisse des inscriptions scolaires et cherche toujours à en discuter avec le gouvernement. Aussi l'accès équitable à une formation linguistique qui donnerait aux jeunes anglophones des chances égales sur le marché du travail fait-il partie des préoccupations de la communauté et du Commissaire.

L'Ontario a été la dernière des provinces à instaurer la gestion scolaire pour sa communauté francophone. Comme au Québec, le nombre de conseils scolaires est relativement petit et les territoires à administrer sont vastes. Une entente fédérale-provinciale a contribué au financement de l'implantation. Enfin, un nouveau régime général de financement a créé une situation plus équitable, souhaitée depuis longtemps.

En Saskatchewan, la fusion des neuf conseils scolaires francophones en un seul, ardemment souhaitée par la communauté, est maintenant chose faite.

L'Alberta a connu un développement similaire, sauf que la région de Calgary est, pour l'instant, exclue de la fusion des conseils scolaires; un groupe de parents désirant faire partie du conseil scolaire francophone provincial et un autre souhaitant le maintenir du statu quo, c'est-à-dire une école dans le conseil scolaire catholique et une autre dans le conseil public.

C'est en Colombie-Britannique que les parents francophones se sont retrouvés le plus souvent devant les tribunaux. Leurs initiatives ont porté fruit : la gestion scolaire, si longtemps refusée par la province, a été établie par suite d'un ordre de la cour; l'autorité du conseil scolaire francophone a été étendue à toute la province (le gouvernement n'a pas attendu un jugement du tribunal); et le juge Vickers a enfin ordonné à la province de créer un mécanisme de règlement des différends entre conseils scolaires.

## LES COMMUNAUTÉS DE LANGUE OFFICIELLE EN SITUATION MINORITAIRE

### 1. L'AVENIR COMMENCE AUJOURD'HUI

Rien n'est facile pour les communautés de langue officielle en situation minoritaire. Elles mènent une lutte sans fin et exercent une vigilance constante afin d'obtenir et conserver des droits que les communautés linguistiques en situation majoritaire tiennent pour acquis : la gestion de leur système

scolaire; l'accès à des soins et à des services sociaux dans leur langue; la capacité des institutions fédérales de communiquer avec elles, de les informer et de les servir dans la langue de leur choix; l'accès, dans leur langue, à l'information et aux services dont elles ont besoin quand elles voyagent; et la disponibilité de ressources adéquates pour le fonctionnement de leurs institutions communautaires.

Il n'est pas rare qu'une communauté minoritaire soit obligée d'aller en cour, procédure longue et coûteuse s'il en est. Dans la plupart des cas elle en sort gagnante. Il convient alors de poser la question suivante : pourquoi l'institution fédérale ou le gouvernement provincial en cause n'a-t-il pas reconnu dès le départ les droits garantis par la législation et n'a-t-il pas agi en conséquence ?

Le Commissaire demande, et a toujours obtenu, le statut d'intervenant dans les causes importantes appelées à faire jurisprudence. À titre de témoin expert, il analyse les lois et les règlements avec objectivité en s'appuyant sur la jurisprudence; la validité de ses analyses est d'ailleurs presque toujours reconnue par la cour. De telles causes permettent aux communautés minoritaires de langue officielle de marquer des progrès notables. Espérons maintenant qu'une fois établie, la jurisprudence sera reconnue et acceptée, et que les communautés n'aient plus à se tourner vers les tribunaux pour faire appliquer et respecter leurs droits.

Malgré les progrès accomplis, certains problèmes persistent. Les communautés de langue officielle en situation minoritaire ont obtenu la gestion de leurs écoles dans chaque province et territoire, mais le financement alloué n'est pas toujours équitable. Il reste aussi des problèmes à résoudre et des mécanismes à instaurer pour régler les différends avec les conseils scolaires déjà en place.

Les communautés de langue française en situation minoritaire pourront compter sur 30 médecins et 60 professionnels de la santé dans d'autres disciplines qui seront formés, au cours des cinq prochaines années, par l'Université d'Ottawa. Mais les communautés anglophones du Québec espèrent toujours, après



#### LA GESTION SCOLAIRE

de longs mois d'attentes, que le gouvernement provincial approuve les plans d'accès aux soins de santé et aux services sociaux en anglais. Le Commissaire a abordé la question à plusieurs reprises, notamment lors d'une allocution devant 700 personnes lors d'un symposium tenu en septembre à Ottawa. Il a également joué un rôle clé en persuadant le gouvernement fédéral d'investir dans la formation de professionnels de la santé francophones afin de remédier à la pénurie ressentie dans toutes les communautés de langue française en situation minoritaire au Canada.

Il sera bientôt temps de renouveler les ententes Canada-communautés. Les ententes actuelles prévoient un financement réduit par rapport aux niveaux précédents. Le Commissaire a exhorté le gouvernement fédéral à reconnaître les difficultés posées par les réductions et de relever les niveaux de financement dans les nouvelles ententes.

Le Commissaire a décidé de faire en 1998 le bilan de la gestion scolaire. Aussi a-t-il publié en août un rapport de quelque 170 pages, dans les deux langues officielles, intitulé *La gestion scolaire : La mise en œuvre de l'article 23 de la Charte*. Ce texte ne se voulait pas seulement une revue historique ou un document d'archives, mais aussi un portrait de la situation actuelle dans chaque province et territoire ainsi qu'une description des problèmes à résoudre et des litiges en cours devant les tribunaux.

À Terre-Neuve, l'implantation de la gestion scolaire semble aller bon train.

À l'Île-du-Prince-Édouard, où la gestion scolaire existe depuis bien des années, il y a néanmoins un litige à régler. Les parents francophones de Summerside cherchent à obtenir une école dans leur ville afin d'éviter à leurs enfants un aller-retour quotidien jusqu'à Abrams-Village, à quelque 30 kilomètres de distance. Ils ont eu gain de cause devant le tribunal de première instance, mais la Cour d'appel a renversé le jugement; ils s'adressent maintenant à la Cour suprême du Canada.

En Nouvelle-Écosse, deux tendances s'affrontent au sein de la communauté académique. La gestion scolaire a été accordée par le gouvernement provincial à la suite d'une étude soignée de la *Charte* et de consultations avec le Commissaire, et un calendrier a été établi pour la transition des écoles bilingues dites académiques à des écoles françaises homogènes. Cette transformation n'ayant pu récolter un appui unanime, la situation est quelque peu délicate. Le Commissaire se sent lié par l'interprétation de l'article 23 de la *Charte* qui prévoit l'établissement d'écoles homogènes.

Au Nouveau-Brunswick, province officiellement bilingue qui a établi la gestion scolaire depuis longtemps, une importante



Tableau III.19

Programmes externes des langues officielles : dépenses pour 1997-1998 et 1998-1999

PROGRAMMES EXTERNES :		Provinces, territoires et organismes	
1997-1998	Dépenses réelles (000 \$)	1998-1999	Dépenses prévues (000 \$)
<b>Ministère du Patrimoine canadien</b>			
• Paiement de transfert aux provinces et aux territoires au titre des programmes de langues officielles	1 922 700	1 658 800	
	42 600	37 900	}
• Paiement de transfert aux groupes minoritaires de langue officielle			
• Paiement de transfert au titre des programmes d'expansion du bilinguisme	10 400	10 500	
<b>Commissariat aux langues officielles</b>	<b>245 700</b>	<b>214 200</b>	
<b>TOTAL</b>			

Source : Conseil du Trésor.  
Pour obtenir le montant des dépenses réelles des années précédentes, le lecteur est invité à communiquer avec le Conseil du Trésor.

Statistique Canada, du Conseil du Trésor et du Conseil privé. Les participants ont décidé d'en confier la présidence à Patrimoine canadien. Le Comité a commencé par déterminer les besoins de recherche les plus importants pour les communautés de langue officielle minoritaire et a choisi d'étudier en priorité le développement des ressources humaines, les services de santé et l'alphabétisation.

En plus de coordonner les travaux de ce comité, le Ministère a concentré son attention sur la recherche et, en particulier, sur la diffusion des résultats. Nous avons déjà signalé la création, il y a deux ans, de la collection Nouvelles perspectives canadiennes. Celle-ci s'est enrichie cette année de quelques titres fort significatifs.

Outre l'ouvrage sur l'aspect économique de la dualité linguistique dont nous avons parlé, il faut aussi se réjouir de la parution d'un autre outil important, soit le volume complet des *Lois linguistiques du Canada annotées*. Travail de bédiction mené à bien par une équipe d'avocats de Justice Canada, cet ouvrage comprend le texte de toutes les lois linguistiques canadiennes, accompagnée d'explications et de commentaires ainsi que de larges extraits des jugements y afférents.

Citons également deux publications qui ne manqueront pas de stimuler la réflexion et la discussion. La première s'intitule *Les langues officielles au Canada : transformer le paysage linguistique*. Il s'agit d'un bilan des réalisations des trente dernières années au chapitre de la dualité linguistique, établi par Stacy Churchill, professeur à l'Institut d'études pédagogiques de l'Ontario, affilié à l'Université de Toronto. M. Churchill n'est pas un analyste indifférent. Chercheur et enseignant, il est engagé dans les divers combats de la dualité au Canada depuis de nombreuses années. On ne s'étonnera donc pas de voir que son bilan, tout factuel et scientifique qu'il soit, porte la marque de quelque un qui croit en la nécessité et en l'avenir de la dualité.

Un dernier titre qui comprend les plus récentes données statistiques sur les langues au Canada complète les activités de publication et de diffusion parrainées par Patrimoine canadien cette année. L'ampleur et la diversité de ce tour d'horizon ont de quoi impressionner. Il convient d'en féliciter le Ministère.



l'éducation en langue minoritaire et l'enseignement de la langue seconde sont des investissements essentiels pour l'avenir de nos enfants et du pays.

Sur une note plus positive, soulignons l'entente spéciale de cinq ans conclue par Patrimoine canadien avec le gouvernement de l'Ontario afin d'aider cette province à parachever la mise en œuvre de la gestion scolaire. Le Ministère injectera 90 millions de dollars sur une période de cinq ans et le gouvernement de l'Ontario versera un montant égal.

### La vitalité communautaire

À la fin de l'année, le Ministère était en négociation avec trois gouvernements provinciaux (Nouveau-Brunswick, Ontario, Saskatchewan) et un gouvernement territorial (Yukon) pour le renouvellement des ententes sur les services en français. Ces ententes traditionnelles permettent aux provinces et à certaines municipalités d'offrir à leurs communautés des services dans la langue de la minorité.

Au cours de l'année, le Ministère s'est également attelé à la préparation des négociations avec les communautés minoritaires de langue officielle et leurs associations nationales pour le renouvellement des ententes Canada-communauté. Ces ententes relativement récentes fixent les montants que le Ministère accorde aux communautés minoritaires pour leur développement et leur épanouissement. Celles-ci déterminent leurs priorités et répartissent les fonds consentis.

La première série d'ententes échoit en mars 1999, d'où la nécessité d'en négocier le renouvellement. Il s'agit d'un exercice indispensable qui accapara le temps et l'énergie des communautés et du Ministère. Nous espérons que ces négociations permettront de parfaire les ententes dont nous appuyons le principe.

La santé et les services sociaux ont, par ailleurs, continué d'attirer l'attention des communautés pendant l'année. La crise de l'Hôpital Montfort à Ottawa, qui à la fin de l'année était encore loin d'être résolue à la satisfaction de la communauté franco-ontarienne, a clairement mis en lumière la nécessité pour les communautés d'avoir des services de santé adéquats dans leur langue. On peut dire que les services de santé remplaçaient peu la gestion scolaire en tant qu'urgence et priorité au sein des communautés. Au Québec, la communauté anglophone souffre encore des conséquences des compressions budgétaires dans ce secteur.

Au cours de leur réunion annuelle à Whitehorse en juillet, les ministres responsables des affaires francophones ont exploré des pistes de collaboration en matière de formation de professionnels de la santé et de prestation de soins de santé en français. Ils répondaient ainsi à un besoin sur lequel le Commissaire aux langues officielles a grandement insisté au cours des années passées. Fort de son expérience de médecin, le Commissaire a

bien compris l'absolue nécessité pour les malades de pouvoir communiquer dans leur langue avec les professionnels de la santé. Selon lui, il s'agit là d'une condition sine qua non pour la prestation de soins valables.

### Les communications et la promotion

Comme nous ne cessons de le répéter depuis quelques années, nous craignons que les compressions importantes dans les budgets du Ministère ne compromettent l'essentiel même de sa mission. Heureusement, il ne semble pas que ce soit le cas de certains programmes longtemps associés à l'image du Ministère, notamment le Programme de bourses d'été de langues et le Programme de moniteurs de langues officielles, qui viennent d'être renouvelés pour une période de cinq ans. Ces deux programmes ont beaucoup fait pour permettre à de jeunes Canadiens de parler leur seconde langue officielle et d'apprendre à connaître la culture qui la sous-tend. Malheureusement, les budgets de ces programmes ont été réduits et passeront de 17 millions de dollars en 1997 à environ 15 millions de dollars par an au cours des cinq prochaines années.

Parmi les programmes et les activités de communication mis en œuvre par le Ministère, signalons le traditionnel concours « À vos crayons / Write It Up », qui donne l'occasion à des milliers de jeunes d'exprimer leurs sentiments à l'égard de la dualité linguistique.

En quelques années, la Semaine nationale de la francophonie est devenue un des moments forts de l'année pour la promotion de l'héritage francophone du Canada. Elle a été soulignée en grande pompe au Parlement, en présence du Premier ministre et de centaines de dignitaires canadiens et de diplomates étrangers. Le Commissaire aux langues officielles a pris la parole au cours de cette célébration et a décerné des prix à deux jeunes écrivains en herbe.

### La recherche

S'il est un domaine où l'activité du Patrimoine canadien s'est distinguée cette année, c'est bien celui de la recherche.

Le coup d'envoi a été donné dès le début de l'année par un symposium de Statistique Canada organisé avec l'appui du ministère du Patrimoine canadien et du Commissariat aux langues officielles. Bien que fort réussi, ce symposium, qui portait sur les données statistiques concernant les communautés de langue officielle minoritaire, a révélé d'importantes lacunes dans les données sur les diverses facettes de la réalité vécue par les communautés minoritaires sur les plans social, économique et culturel.

Le Comité interministériel de coordination de la recherche sur les langues officielles a donc été créé. Ce comité est formé de représentants du ministère du Patrimoine canadien, du Commissariat aux langues officielles, de Justice Canada, de

En 1998, le ministère du Patrimoine canadien a consolidé ses acquis des dernières années, s'est préparé à une nouvelle étape dans la planification et la livraison de ses programmes à l'intention des communautés minoritaires de langue officielle et a développé les outils, notamment dans le domaine de la recherche, qui lui permettront de mieux comprendre les besoins de ses clients et les nouvelles conditions socio-économiques dans lesquelles ils vivent. Ce faisant, le Ministère tente de pallier les contraintes dues aux réductions successives de son budget, qui se sont poursuivies encore cette année.

L'an dernier, nous avons mentionné que le ministère du Patrimoine canadien avait mis un accent nouveau sur la promotion du savoir-faire canadien dans le domaine de l'apprentissage des langues secondes. Il a fait de même cette année. Ainsi, le Ministère a participé encore une fois à Expolangues 1998, la 16<sup>e</sup> foire internationale sur la langue, la culture et le tourisme. En outre, lors de la visite d'Équipe Canada en Amérique latine en janvier, sous la direction du Premier ministre, le Ministère a organisé, à l'intention des hispanophones et des lusophones, une campagne efficace sur les possibilités d'apprentissage du français et de l'anglais langues secondes au Canada. Enfin, Patrimoine canadien a resserré sa collaboration avec le Conseil de l'Europe et le Centre européen de langues modernes dans les domaines de l'aménagement linguistique et de l'enseignement des langues secondes.

Le Ministère a également donné suite à son exploration, amorcée il y a deux ans, de l'aide accordée aux communautés francophones vivant en situation minoritaire afin que celles-ci puissent mieux réaliser leur potentiel économique. Ainsi, il a participé à l'organisation à Winnipeg, du deuxième Forum des gens d'affaires francophones, auquel ont pris part quelque 400 délégués. De telles rencontres permettent de créer des relations d'affaires et des réseaux dont l'effet à long terme sur la vitalité communautaire ne saurait être sous-estimé.

Le Commissaire a fortement encouragé Patrimoine canadien à mettre en valeur la dimension économique de la dualité linguistique. À cet égard, nous sommes heureux de signaler la parution, dans la collection Nouvelles perspectives canadiennes parrainée par le Ministère, de l'ouvrage *Langue et bilinguisme : les approches économiques*. Dans son introduction, l'éminent universitaire Albert Breton, qui était chargé de diriger cette publication, écrit : « [...] j'ai souvent été surpris de constater [à quel point les chercheurs] n'étaient pas au fait des travaux sur l'économie linguistique réalisés au cours des trente dernières années environ. Si l'économie de la santé, de la famille ou de la culture existe, l'économie linguistique reste toujours à inventer. » Cet ouvrage tente de combler cette lacune, comme le démontrent les titres suivants traités par des économistes chevronnés,

« L'économie de la langue dans une économie globale virtuellement intégrée », « Parlez et vous recevrez : la connaissance linguistique comme capital humain », ou encore « Valeur du bilinguisme pour les employeurs... ». Nous ne pouvons que féliciter le Ministère et l'encourager à continuer de favoriser l'avancement de cette nouvelle science et une meilleure compréhension de l'importance économique de la dualité linguistique.

Signalons que le Ministère se prépare à jouer un rôle important en 1999 dans le cadre du Sommet de la Francophonie à Moncton et dans les activités qui marqueront l'Année de la Francophonie canadienne.

#### L'enseignement

L'an dernier, nous avons fait état des difficultés auxquelles s'étaient heurtés Patrimoine canadien et le Conseil des ministres de l'Éducation du Canada (CMEC) lors de la négociation du Protocole d'entente relatif à l'enseignement dans la langue de la minorité et à l'enseignement de la langue seconde. Rappelons que ce protocole couvre une période de cinq ans et sert à déterminer l'enveloppe budgétaire consentie par le gouvernement fédéral pour l'enseignement dans la langue de la minorité et l'enseignement de la langue seconde.

Nous avons aussi souligné que l'enveloppe pour la période 1993-1998 avait été établie à moins d'un milliard de dollars, ce qui représentait une diminution d'environ 20 p. 100 par rapport à la période 1988-1993. Nous avions exploré cette réduction importante et avions signalé qu'elle ne manquerait pas d'avoir des répercussions sur la qualité de l'éducation offerte aux jeunes Canadiens.

Or, en mars dernier, le budget fédéral ne consacrait à ce programme que 684 millions de dollars pour la période de cinq ans entre 1998-1999 et 2002-2003. Il s'agit d'une baisse considérable, soit de quelque 300 millions de dollars par rapport à la période quinquennale précédente. Soulignons encore une fois que cette diminution s'ajoute à celle de 20 p. 100 imposée lors de la négociation du premier Protocole d'entente.

Les provinces se sont vigoureusement opposées à cette amputation. Le CMEC estime qu'il n'y a pas lieu de négocier un nouveau protocole tant que l'enveloppe ne sera pas plus étoffée. Le Ministère affirme qu'il est sensible à la question et qu'il tâchera d'obtenir d'autres fonds. En attendant, les négociations sont dans une impasse et Patrimoine canadien se trouve dans l'obligation de négocier des ententes intermédiaires avec chacune des provinces afin que des fonds soient affectés au programme pour l'année 1998-1999.

Nous déplorons ces compressions dans le budget du Commissaire a écrit à maintes reprises à la ministre du Patrimoine canadien et à d'autres intervenants afin de souligner que

Tableau III.17

Coût des services fédéraux dans les deux langues officielles :  
Dépenses par rubrique, 1997-1998 et 1998-1999

Type de dépenses	1997-1998 Dépenses réelles (000 \$)	1998-1999 Dépenses prévues (000 \$)
<b>Traduction</b>		
• Bureau de la traduction	38 900	45 700
• Autres institutions	103 200	107 100
<b>TOTAL</b>	<b>142 100</b>	<b>152 800</b>
<b>Formation linguistique</b>		
• Commission de la fonction publique	16 600	15 800
• Autres institutions	29 500	33 300
<b>TOTAL</b>	<b>46 100</b>	<b>49 100</b>
<b>Prime au bilinguisme</b>	56 600	49 500
<b>Coordination et orientation générales</b>	3 200	3 700
<b>TOTAL</b>	<b>248 000</b>	<b>255 200</b>

Source : Conseil du Trésor.

Tableau III.18

Coût des services fédéraux dans les deux langues officielles : budget

	1997-1998 Dépenses réelles (000 \$)	1998-1999 Dépenses prévues (000 \$)
<b>Conseil du Trésor</b>		
• Langues officielles	3 200	3 700
<b>Commission de la fonction publique</b>		
• Formation linguistique et activités connexes	16 600	15 800
<b>Travaux publics</b>		
• Bureau de la traduction	38 900	45 700
<b>Autres ministères et organismes</b>	152 900	151 400
<b>Institutions parlementaires</b>	600	600
<b>Forces canadiennes</b>	20 100	21 700
<b>Sociétés d'État</b>	15 700	16 300
<b>TOTAL</b>	<b>248 000</b>	<b>255 200</b>

Source : Conseil du Trésor.

Pour obtenir le montant des dépenses réelles des années précédentes, le lecteur est invité à communiquer avec le Conseil du Trésor.



L'évaluation des compétences linguistiques

Par rapport à 1997, dans l'ensemble de la fonction publique, les taux de réussite à l'évaluation de la seconde langue officielle en compréhension de l'écrit ont diminué de 2 p. 100 et augmenté de 1 p. 100 en interaction orale. Ce taux est resté stable à 83 p. 100 en expression écrite.

Au fil des ans, c'est toujours l'interaction orale qui pose le plus de difficultés. En 1998, le groupe de la direction a atteint un taux de réussite de 43 p. 100 seulement au niveau « C » en interaction orale. Ce taux, le plus bas parmi tous les groupes professionnels dans ce domaine, était de 51 p. 100 en 1997. La catégorie Exploitation a atteint le taux le plus élevé, soit 91 p. 100 alors que pour les autres groupes, le taux se situait dans les trois catégories, c'est le groupe de la direction qui a atteint le taux le plus bas avec 44 p. 100.

La traduction

Le Bureau de la traduction est le principal organisme qui effectue des travaux de traduction et d'interprétation pour le compte du gouvernement fédéral. Puisque le Bureau est devenu un organisme de service spécial (OSS) en 1995, les institutions qui y ont recours sont maintenant obligées, à titre de clients, de payer pour la traduction et les autres services linguistiques, exception faite des services d'interprétation et de terminologie. Elles peuvent également se procurer des services de traduction auprès du secteur privé.

Le Bureau nous informe qu'il a largement respecté ses objectifs budgétaires et que, chaque année depuis sa transformation en OSS, son volume d'affaires augmente d'environ 10 p. 100. En revanche, il souffre d'une pénurie de personnel et, afin de remédier à cette situation, il a commencé une campagne de recrutement à long terme. En 1998, le Bureau a traduit près de 210 millions de mots. Jusqu'à présent, environ 75 p. 100 des institutions fédérales ont obtenu accès à TERMIUM, la banque de terminologie la plus importante au monde. Cette base de données offre les équivalents français et anglais d'une terminologie dûment normalisée dans une multitude de domaines.

La prime au bilinguisme

La prime au bilinguisme découle d'une décision du Conseil du Trésor de verser une prime aux employés qui occupent un poste désigné bilingue et qui se conforment aux exigences linguistiques de leur poste<sup>18</sup>. Elle consiste en un supplément salarial fixe de 800 \$ par année.

<sup>18</sup> En règle générale, l'admissibilité à la prime est déterminée par une évaluation des connaissances de la seconde langue officielle.

Les coûts

À la fin de l'exercice 1997-1998, les dépenses réelles de la mise en œuvre du programme des langues officielles dans toutes les institutions fédérales étaient inférieures à celles de l'année financière précédente, malgré des augmentations aux chapitres de la prime au bilinguisme et de la traduction. Les tableaux III.17 et III.18 montrent que, par rapport à l'année dernière, les dépenses ont diminué dans la plupart des postes budgétaires. Les dépenses totales sont passées de 260,4 millions de dollars en 1997 à 248 millions en 1998. Signalons toutefois que, cette année, le SCT a changé son système de cueillette de l'information pour ne comptabiliser que les coûts réels en dollars, laissant de côté les coûts calculés à partir d'estimations générales<sup>19</sup>.

Au 31 mars 1998, le nombre d'employés fédéraux touchant la prime était de 55 071, ce qui représente une diminution par rapport à l'année passée. Toutefois, le montant versé aux employés a augmenté de 9,8 p. 100 en 1998, portant le total à 56,6 millions de dollars, en raison du règlement des montants rétroactifs versés aux membres de la Gendarmerie royale du Canada depuis quelques années.

La prime au bilinguisme n'est pas un droit en vertu de la *Loi sur les langues officielles*. Depuis longtemps, le Commissaire s'oppose au concept même d'une telle prime et, à de nombreuses occasions, il a proposé qu'elle soit progressivement supprimée.

Toutefois, la prime n'est pas payable à tous les employés; parmi les exclus figurent notamment les membres du groupe de la direction, les traducteurs, les sténographes ainsi que les titulaires nommés par le gouverneur en conseil. La prime fait partie des conventions collectives signées avec les syndicats des employés.

<sup>19</sup> Par le passé, le SCT demandait aux institutions assujetties à la *Loi sur les langues officielles* d'estimer les coûts que représentaient les employés qui accordaient 50 p. 100 ou davantage de leur temps à des tâches liées au programme des langues officielles.

## Les exigences linguistiques des postes

Il y a trois niveaux de compétence dans les profils linguistiques des postes : au niveau « A », les connaissances de la seconde langue officielle sont considérées comme élémentaires; au niveau « B », intermédiaires et au niveau « C », supérieures. Depuis plusieurs années, on estime que le niveau « A » est trop faible pour permettre au titulaire d'un poste bilingue de remplir toutes ses fonctions. Il en va de même pour le niveau « B » dans les régions désignées bilingues aux fins de la langue de travail, où les titulaires ont à surveiller des employés d'expression française et anglaise. En réalité, ces gestionnaires devraient posséder le

En vertu de l'article 91 de la Loi sur les langues officielles, les exigences portant sur la prestation de services dans les deux langues officielles ainsi que la possibilité de travailler dans la langue officielle de son choix ne sont valables que si elles s'imposent objectivement<sup>15</sup>.

Le tableau III.16 indique que le pourcentage des postes exigeant le niveau « C » a augmenté d'environ 4,3 p. 100 depuis cinq ans; ils représentaient, en 1998, 21, 6 p. 100 du total des postes bilingues. Par ailleurs, les postes exigeant le niveau « A » affichent une baisse progressive pendant la même période pour passer de 3,5 p. 100 en 1994 à 2,2 p. 100 en 1998<sup>16</sup>.

## La formation linguistique

La CFP dispense des cours de langue officielle aux fonctionnaires fédéraux pour qu'ils puissent satisfaire aux exigences linguistiques de leur poste. En 1998, la CFP a

lancé une série de projets pilotes afin de faciliter l'apprentissage de la langue seconde au moyen de logiciels, ce qui permet aux étudiants d'apprendre à leur propre rythme. Elle a également mis sur pied un programme de formation à distance, comprenant des vidéocoférences, à l'intention des membres du groupe EX.

Tableau III.16

Postes bilingues : niveaux exigés, 1994-1998

Postes	1994	1995	1996	1997	1998
<b>Bilingues</b>	60 959	60 605	63 076	59 527	58 710
Français	13 764	12 691	12 775	11 586	11 025
Anglais	126 815	110 928	114 938	104 862	101 293
Essentiel	6,5 %	6,3 %	6,4 %	6,2 %	6,1 %
Essentiel	60,0 %	55,5 %	57,3 %	56,3 %	55,9 %
Réversibles	9 992	8 608	8 480	7 857	7 517
Anglais	4,7 %	4,3 %	4,2 %	4,2 %	4,1 %
Essentiel	4,7 %	4,3 %	4,2 %	4,2 %	4,1 %
<b>TOTAL</b>	<b>211 530</b>	<b>200 017<sup>1</sup></b>	<b>200 647<sup>2</sup></b>	<b>186 401<sup>3</sup></b>	<b>181 148<sup>4</sup></b>

<sup>1</sup> Pas de données sur les exigences linguistiques des postes de 7 185 employés (3,6 %)

<sup>2</sup> Pas de données sur les exigences linguistiques des postes de 1 378 employés (0,76 %)

<sup>3</sup> Pas de données sur les exigences linguistiques des postes de 2 569 employés (1,4 %)

<sup>4</sup> Pas de données sur les exigences linguistiques des postes de 2 603 employés (1,4 %)

Source : Conseil du Trésor.

Postes	1994	1995	1996	1997	1998
<b>Élémentaire (A)</b>	2 105	1 849	1 763	1 467	1 318
<b>Intermédiaire (B)</b>	45 947	44 674	46 842	44 337	42 661
<b>Supérieur (C)</b>	10 702	10 468	12 134	11 752	12 695
<b>Autres</b>	2 205	3 614	2 337	1 971	2 036
<b>TOTAL</b>	<b>60 959</b>	<b>60 605</b>	<b>63 076</b>	<b>59 527</b>	<b>58 710</b>

Source : SIPC, Conseil du Trésor, septembre 1998.

Le coût de la formation linguistique dispensée en 1997 dans les ministères dont le Conseil du Trésor est l'employeur et dans les autres institutions a été de 46,1 millions de dollars. Il y a eu une diminution de 4,9 millions cette année, attribuable en grande partie à la réduction de la demande<sup>17</sup>.

<sup>15</sup> L'article 91 de la Loi sur les langues officielles stipule : Les parties IV et V n'ont pour effet d'autoriser la prise en compte des exigences relatives aux langues officielles, lors d'une dotation en personnel, que si elle s'impose objectivement pour l'exercice des fonctions en cause.

<sup>16</sup> De 1988 à 1998, le pourcentage des postes bilingues exigeant le niveau « A » est passé de 7,6 p. 100 à 2,2 p. 100.

<sup>17</sup> Président du Conseil du Trésor, Rapport annuel sur les langues officielles, Ottawa, 1998, p. 65. À la fin de l'exercice financier 1996-1997, le coût global de la formation linguistique était de 51 millions de dollars. La diminution de la demande résulte de la réduction de l'embauche, de l'existence d'un important bassin d'employés bilingues et des compressions budgétaires.



L'Ontario a enregistré une diminution de 58 fonctionnaires francophones cette année, mais le taux de représentativité par rapport à 1997 est resté stable. La situation est sensiblement la même dans la région de la capitale nationale (RCN) où il a eu une diminution de seulement trois fonctionnaires francophones.

Au Québec, le nombre de fonctionnaires anglophones est passé de 1 400 en 1997 à 1 750 en 1998. Ceux-ci représentaient maintenant 6,9 p. 100 du nombre de fonctionnaires fédéraux au Québec par rapport à 5,3 p. 100 en 1997.

Dans l'ensemble des provinces de l'Est canadien, malgré le départ de 194 fonctionnaires francophones, le taux de participation est à peu près le même qu'en 1997<sup>10</sup>. Seule la Nouvelle-Écosse a affiché une augmentation de ses effectifs francophones, soit un gain de 15 fonctionnaires. Dans les autres provinces le personnel francophone a diminué; la réduction la plus importante a eu lieu au Nouveau-Brunswick avec le départ de 192 fonctionnaires. L'Île-du-Prince-Édouard a enregistré 13 départs et Terre-Neuve, quatre.

Cette année, au Yukon et dans les Territoires du Nord-Ouest, la participation totale des fonctionnaires francophones est passée de 31 à 33 personnes<sup>11</sup>.

Les postes bilingues

Le tableau III.14 présente le nombre et la proportion des postes bilingues enregistrés en 1998. Par rapport à 1997, les provinces de l'Ouest canadien ont affiché une réduction de cinq postes bilingues tout en maintenant la même proportion<sup>12</sup>. En Colombie-Britannique, nous comptons 37 postes bilingues supplémentaires tandis qu'en Alberta, l'augmentation a été de deux postes. Le Manitoba et la Saskatchewan ont connu une suppression de 34 et de 10 postes bilingues, respectivement.

En Ontario, malgré une diminution de 43 postes bilingues cette année, le taux des postes bilingues a connu une légère augmentation (0,3 p. 100). Dans la RCN, il y a eu une perte de 608 postes bilingues, mais le taux de participation est resté le même. Au Québec, le nombre de postes bilingues a diminué de 289 en 1998 mais le taux de participation a légèrement augmenté (de 0,8 p.100)<sup>13</sup>.

Dans l'ensemble, les provinces de l'Atlantique ont affiché une baisse de 129 postes bilingues depuis 1997. Le décalage entre les taux, qu'il soit positif ou négatif, ne dépasse pas 1,1 p. 100 pour

10 En Nouvelle-Écosse, le taux est passé de 4,9 à 5,5 p. 100; au Nouveau-Brunswick, de 36,3 à 36,1 p. 100; à l'Île-du-Prince Édouard, de 7,7 à 7,2 p. 100. A Terre-Neuve, le taux reste le même (0,5 p. 100).

11 Dans ces deux régions, le taux est passé de 2,9 à 3 p. 100.

12 En Colombie-Britannique, le taux est passé de 3,1 à 3,4 p. 100; en Alberta, de 4,1 à 4,2 p. 100; en Saskatchewan, de 4,1 à 4 p. 100; et au Manitoba, de 7,1 à 6,9 p. 100.

13 En Ontario, le taux de participation est passé de 8,3 à 8,6 p. 100; dans la RCN, il est resté inchangé à 59,6 p. 100; au Québec, il est passé de 54,2 à 55 p. 100.

14 Au Nouveau-Brunswick, le taux de participation est passé de 41,7 à 42,8 p. 100; à l'Île-du-Prince Édouard, de 19,7 à 19,6 p. 100; en Nouvelle-Écosse, de 9,3 à 10,4 p. 100; et à Terre-Neuve de 1,5 à 1,8 p. 100.



# PARTIE III

## La dotation des postes

En 1998, la CFP a procédé à environ 108 899 nominations, dont 25 626 à des postes bilingues, soit 23, 5 p. 100 de l'ensemble des nominations. Par rapport à l'année précédente, le nombre total de nominations a diminué de 2 147, mais le nombre de nominations à des postes bilingues a augmenté de 2 689.

<sup>9</sup> En 1997, le nombre de nominations s'est chiffré à 111 046, dont 22 937 à des postes bilingues, soit 20,7 p. 100 du total.

La participation des minorités de langue officielle au sein de la fonction publique fédérale en 1998 est illustrée au tableau III.14. Cette année, le nombre total de fonctionnaires dans les provinces de l'Ouest a diminué de 815, dont 78 francophones. Dans aucune de ces provinces, les écarts entre les taux de 1997 et ceux de 1998 sont tous négatifs, mais ils se limitent à une valeur de 0,5 p. 100. La plus grande diminution du nombre de fonctionnaires d'expression française a eu lieu au Manitoba, soit 47, contre 23 en Colombie-Britannique, sept en Alberta et une en Saskatchewan.

Tableau III.14

Les deux groupes de langue officielle dans la population, 1996, et dans la fonction publique<sup>9</sup> ainsi que les postes bilingues, 1998

	Population	TOTALE	Population de	TOTAL des	Fonctionnaires	Postes
			LO minoritaire	fonctionnaires	LO minoritaires	bilingues
<b>OUEST</b>						
Colombie-Britannique	3 689 755	2 669 195	56 310	17 715	268	606
Alberta	2 669 195	52 500	2,0 %	10 513	247	438
Saskatchewan	976 615	17 720	1,8 %	4 900	55	195
Manitoba	1 100 295	46 570	4,2 %	8 144	271	566
<b>TOTAL</b>	<b>8 435 860</b>	<b>173 100</b>	<b>2,1 %</b>	<b>41 272</b>	<b>841</b>	<b>1 805</b>
Ontario (sans la						
région de la						
capitale nationale)	9 887 305	365 825	3,7 %	28 322	1 311	2 423
Région de la						
capitale nationale	1 000 940	350 760	35,0 %	61 043	23 994	36 362
Québec (sans la						
région de la						
capitale nationale)	6 799 640	886 445	13,0 %	25 288	1 750	13 912
<b>EST</b>						
Nouveau-Brunswick	729 625	241 040	33,0 %	5 205	1 877	2 230
Nouvelle-Écosse	899 970	34 615	3,8 %	9 710	536	1 007
Île-du-Prince-Édouard	132 855	5 335	4,0 %	2 324	168	456
Terre-Neuve	547 160	2 270	0,4 %	4 466	21	81
<b>TOTAL</b>	<b>2 309 610</b>	<b>283 260</b>	<b>12,3 %</b>	<b>21 705</b>	<b>2 602</b>	<b>3 774</b>
Yukon et						
Territoires du						
Nord-Ouest	94 780	2 490	2,6 %	1 105	33	43
						3,9 %

\* À part les sociétés d'État et les Forces canadiennes, ce tableau ne tient pas compte des fonctionnaires à l'étranger (1 031) ni de ceux dont les dossiers sont incomplets (1 382). Sources : Données du recensement de Statistique Canada, 1996, première langue parlée; Conseil du Trésor, septembre 1998.

Conseil du Trésor a publié, au début de l'exercice financier 1997-1998, la *Politique concernant l'utilisation des langues officielles sur les réseaux informatiques*.

**Le rendement linguistique des cadres supérieurs**

Comme il l'annonçait l'an dernier, le Conseil du Trésor devait décider de la politique à adopter si certains hauts fonctionnaires titulaires de postes bilingues ne satisfaisaient pas aux exigences linguistiques de leur poste avant le 1<sup>er</sup> avril 1998. Selon la nouvelle politique linguistique du SCT<sup>7</sup> entrée en vigueur le 1<sup>er</sup> mai 1998, les postes de sous-ministre adjoint comportent désormais un profil linguistique exigeant les niveaux « C » « B » « C »<sup>8</sup> (C en compréhension de l'écrit, B en expression écrite et C en interaction orale). Les droits acquis des titulaires qui n'ont pu satisfaire aux exigences linguistiques de leur poste seront protégés jusqu'au 1<sup>er</sup> avril 2001. Après cette date, ceux-ci auront jusqu'au 31 mars 2003 pour atteindre les niveaux de compétence linguistique exigés. Dans le cas contraire, les institutions auront recours aux dispositions des règlements prévus à cette fin.

La nouvelle politique stipule également que la dotation des postes de sous-ministre adjoint par concours interne exige au préalable de satisfaire au profil linguistique du poste, c'est-à-dire de recourir au mode de dotation impérative. En revanche, la dotation de ces mêmes postes par concours externe peut être impérative ou non, selon la politique de dotation des postes bilingues. La dotation des postes de cadres EX qui ne sont pas sous-ministres adjoints, qu'il s'agisse de concours internes ou externes, peut aussi se faire par voie de dotation impérative ou non impérative. Dans le cas de la dotation non impérative, les membres du groupe EX ont deux ans pour apprendre la seconde langue officielle.

**La Partie VII de la Loi sur les langues officielles**

En vertu de l'article 41 de la *Loi*, le gouvernement s'engage à favoriser l'épanouissement des minorités francophones et anglophones du Canada et à appuyer leur développement. Par suite d'un protocole d'entente signé en mars 1997 par le SCT et le ministère du Patrimoine canadien, les institutions fédérales dont le Conseil du Trésor est l'employeur doivent inclure dans leur planification stratégique leurs responsabilités envers les communautés de langue officielle vivant en situation minoritaire. Elles doivent désigner un centre de responsabilité ministériel, en l'occurrence un haut fonctionnaire qui sera reconnu comme « champion » des langues officielles et qui devra rendre compte

<sup>7</sup> Conseil du Trésor, *Politique concernant les exigences linguistiques pour les membres du groupe de la direction*, Ottawa, 1998.

<sup>8</sup> Les niveaux de compétence de ces catégories sont « C » pour supérieur et « B » pour intermédiaire. Notons que les cadres EX qui ne sont pas sous-ministres adjoints, mais qui sont au même niveau, ne sont pas nécessairement assujettis aux mêmes exigences linguistiques.

**LA COMMISSION DE LA FONCTION PUBLIQUE**

En ce qui concerne l'aspect opérationnel de la mise en œuvre de la *Loi sur les langues officielles*, la Commission de la fonction publique (CCFP) joue un rôle central. Elle est responsable de la dotation des postes de toutes les institutions dont le Conseil du Trésor est l'employeur, et elle se charge de la formation linguistique des fonctionnaires fédéraux afin qu'ils soient en mesure de satisfaire aux exigences linguistiques de leur poste, assurant ainsi la prestation des services et la surveillance en français et en anglais dans les ministères fédéraux.

**Poursuite de nouvelles orientations**

En 1998, la CFP a célébré son 90<sup>e</sup> anniversaire et, au cours de l'exercice 1997-1998, elle a continué à restructurer son propre système administratif dans le cadre du renouvellement général de la fonction publique fédérale. Dans ce nouveau contexte, les ministères devront s'autoévaluer et faire leur rapport à la CFP qui, à son tour, rendra compte au Parlement. La CFP abandonne ainsi les contrôles sur les opérations individuelles au profit d'un système fondé sur le principe du mérite et axé sur les valeurs en dotation. Elle offre en outre des mécanismes de recours à ceux qui désirent faire appel de décisions en matière de dotation.

Pour la CFP, c'est la réforme de la dotation qui constitue la pierre angulaire du renouvellement de la fonction publique et qui, par conséquent, a priorité sur tous les autres programmes. Cette réforme se faisant par la délégation des pouvoirs aux ministères, la sous-délégation interne qui en découle donne aux gestionnaires une plus grande marge de manœuvre pour établir le profil linguistique des postes, en choisir le mode de dotation et approuver la période de formation linguistique (quand celle-ci s'avère nécessaire). Il n'existe encore aucune consigne déterminant dans quelle mesure un gestionnaire est tenu de rendre compte du respect de la *Loi* en matière de dotation des postes. La CFP devra associer à la délégation de pouvoirs à ce chapitre des lignes directrices précises et discuter avec l'institution visée du meilleur moyen de favoriser la reddition des comptes.



ville, le gestionnaire au Centre d'emploi du Canada ne voulait pas que ses employés offrent activement le service dans les deux langues officielles. À Saskatoon, le Centre d'emploi du Canada offre des messages téléphoniques bilingues, mais il est impossible d'y avoir une consultation en français. De plus, le bureau du Programme du travail fournit un service en français au moyen d'un numéro de téléphone à Regina, mais c'est le client qui doit assumer les frais d'appels interurbains.

Les résultats d'un sondage mené par les vérificateurs du SCT auprès des clients de quatre bureaux situés à Winnipeg indiquent qu'ils ont été accueillis le plus souvent en anglais, et quelquefois seulement dans les deux langues officielles. « Dans tous les cas, les visiteurs ont été servis en anglais, langue de préférence de tous les clients, sauf un. De plus, presque tous les visiteurs se sont dits satisfaits du service reçu. » Ce commentaire se retrouve presque mot pour mot dans le rapport d'évaluation des bureaux de chaque ville visitée, même à Sudbury. Cette ville, où la minorité francophone est importante, ne diffère pas des autres quant aux résultats du sondage : « Les visiteurs ont été servis dans la langue de leur choix, l'anglais<sup>4</sup>. » Cette constatation devrait inciter les gestionnaires à redoubler d'efforts quant à l'offre active de services et à l'éducation du public en ce qui concerne ses droits linguistiques.

Outre les recommandations auprès des institutions en cause, le SCT continue à organiser des ateliers sur le service au public dans toutes les régions et à visiter les bureaux désignés pour servir le public dans les deux langues officielles. Ces activités, qu'il poursuit depuis quelques années, sont toujours nécessaires si l'on en juge par les problèmes linguistiques qui persistent. En 1994, le Commissariat aux langues officielles avait mené une vaste étude dans tout le pays sur la prestation de services bilingues dans les bureaux et points de service désignés pour servir le public dans les deux langues officielles. Depuis 1996, il effectue des suivis afin de comparer les résultats récents avec ceux de l'étude de 1994. Ces résultats sont présentés dans la présente partie, section 1 h) iv).

### La langue de travail

Selon la *Loi sur les langues officielles*, « le français et l'anglais sont les langues de travail des institutions fédérales et leurs agents ont le droit d'utiliser l'une ou l'autre » dans les régions désignées à cette fin.

<sup>3</sup> SCT, *Vers une meilleure gestion*, numéro 20, op. cit.  
<sup>4</sup> SCT, *Vers une meilleure gestion*, numéro 21, op. cit. Le tableau graphique du sondage auprès des bureaux fédéraux à Sudbury indique également le niveau de satisfaction par rapport à la qualité de la langue.

En 1996, le SCT a mené une étude spéciale au sein des bureaux fédéraux au Nouveau-Brunswick<sup>5</sup>. Cette enquête a révélé certaines lacunes ayant trait à l'utilisation du français, notamment dans les réunions du personnel, les services internes, la formation du personnel et l'informatique. Les institutions en cause sont donc tenues d'indiquer, dans leur bilan au SCT, les mesures prises pour corriger tout problème soulevé au sein de leurs administrations régionales au Nouveau-Brunswick. Puisque ces problèmes ont tendance à persister, le SCT devrait demander régulièrement à ces institutions de préciser dans quelle mesure elles ont réussi à les éliminer.

Une seconde phase de l'enquête du SCT dans le domaine de la langue de travail a commencé au début de 1998 dans le nord de l'Ontario. Le prochain *Rapport annuel sur les langues officielles* du président du Conseil du Trésor est censé faire état de l'ensemble des résultats de cette phase.

Cette année, le SCT a publié sur son site Internet une étude effectuée au début de 1996 sur la langue de travail en matière de technologie de l'information<sup>6</sup>. Cette étude portait sur 14 institutions fédérales de la région de la capitale nationale. Les problèmes révélés le plus souvent étaient l'absence de signes diacritiques en français dans les logiciels et sur les claviers d'ordinateur, l'absence des versions françaises de certains logiciels d'usage courant, la formation en informatique dispensée en anglais seulement et des cas de service de dépannage non disponible en français. Les vérificateurs du SCT ont constaté qu'aucune institution n'avait abordé l'aspect des langues officielles dans la planification de la gestion de l'information. À la suite de cette étude, le SCT a fait une série de recommandations aux institutions concernées. Nous estimons qu'un tel laxisme doit être corrigé dans les meilleurs délais.

### Les réseaux informatiques – Inforoute

Dans son *Rapport annuel 1997-1998 sur les langues officielles*, le président du Conseil du Trésor explique que, d'une part, les sites électroniques bilingues des institutions fédérales assurent partout au Canada la disponibilité, dans les deux langues officielles, des instruments de travail d'usage courant (guides, manuels et publications de politique) et que, d'autre part, ils constituent « une offre active et permanente de service ». Ils contribuent en même temps à l'avancement du bilinguisme institutionnel et à la visibilité du rôle des deux langues officielles. Afin d'assurer le respect de la *Loi sur les langues officielles*, le

<sup>5</sup> SCT, *Enquête sur l'usage des langues officielles en milieu de travail dans les institutions fédérales au Nouveau-Brunswick — 1996*, juillet 1997. Nous avons fait état de cette enquête dans notre *Rapport annuel 1997*.  
<sup>6</sup> SCT, *Vers une meilleure gestion*, numéro 19 — *Vérification sur les langues officielles* — Technologie de l'information, site Internet du SCT, mai 1998.



## 2. LES ORGANISMES CENTRAUX

### a) L'ADMINISTRATION FÉDÉRALE

Chaque institution fédérale a la responsabilité d'administrer son programme interne des langues officielles, mais la mise en œuvre du programme à l'échelle de tout l'appareil fédéral dépend des efforts concertés de trois organismes centraux en particulier : le Conseil du Trésor, la Commission de la fonction publique et le ministère du Patrimoine canadien, aidés du Bureau de la traduction, qui relève du ministère des Travaux publics et des Services gouvernementaux.

#### LE SECRÉTARIAT DU CONSEIL DU TRÉSOR

Le Secrétaire du Conseil du Trésor (SCT) est responsable de la planification générale et de la coordination des programmes de langues officielles dans l'ensemble de la fonction publique fédérale. Le président du Conseil du Trésor rend compte de la mise en œuvre de la *Loi sur les langues officielles* dans le rapport qu'il soumet au Parlement chaque année.

#### Le service au public

Comme le stipule la *Loi sur les langues officielles*, et conformément aux critères énoncés dans son *Règlement*, le public canadien a le droit de communiquer avec les institutions fédérales et d'en recevoir les services dans les deux langues officielles. Le *Rapport annuel 1997-1998 sur les langues officielles* du Conseil du Trésor indique qu'à la fin de mars 1998, 29 p. 100 des 12 066 bureaux et points de service avaient l'obligation de servir le public dans les deux langues officielles. En 1994, le SCT a entrepris une série de vérifications sur la prestation de services bilingues au sein des institutions fédérales dans les régions métropolitaines de recensement. Au cours de l'actuel exercice financier, il en a terminé la troisième phase et les résultats seront publiés sur le site Internet du SCT d'ici le 31 mars 1999. Récemment, le service au public a fait l'objet de trois autres vérifications de la part du SCT. La première portait sur les services bilingues au téléphone et les deux autres concernaient la prestation des services en français dans l'Ouest canadien et en Ontario.

Cette première évaluation, effectuée en mars 1998 par la société Réalités canadiennes pour le compte du SCT, a mesuré la disponibilité et la qualité des services au téléphone dans les bureaux fédéraux dans tout le Canada. Les résultats de l'évaluation sont présentés dans la présente partie, sous la rubrique « Etudes spéciales ».

C'est surtout aux aéroports de Winnipeg, de Calgary et de Vancouver ainsi qu'aux gares ferroviaires de Winnipeg et de Vancouver que les concessionnaires se sont montrés le plus souvent incapables de servir leur clientèle en français. À de rares exceptions près, le même scénario s'est répété aux comptoirs de la Société canadienne des postes dans les villes visitées.

Malgré toutes les années de mise en œuvre de la *Loi sur les langues officielles*, un certain nombre de gestionnaires faisaient preuve d'ignorance ou d'indifférence en ce qui concerne leurs obligations linguistiques. Par exemple, dans la seule municipalité d'Oshawa-Bowmanville, les gestionnaires de sept bureaux n'ont pu convaincre les vérificateurs du SCT de leur aptitude à gérer adéquatement le programme des langues officielles. Un gérant d'un bureau de Santé Canada à Victoria ne savait même pas qu'il avait la responsabilité de servir le public en français. Dans cette

1 SCT, *Vers une meilleure gestion*, numéro 20 — Vérification sur les langues officielles — Ques, site Internet du SCT, mai 1998.

2 SCT, *Vers une meilleure gestion*, numéro 21 — Vérification sur les langues officielles — Ontario, site Internet du SCT, mai 1998.

## !) LES MENTIONS D'HONNEUR

Au cours des dernières années, nous avons voulu mettre en lumière les efforts méritoires d'un certain nombre d'institutions dans la mise en œuvre de la *Loi sur les langues officielles* en leur décernant une mention d'honneur dans notre *Rapport annuel*. C'est ainsi que depuis 1992, nous avons décerné 44 mentions d'honneur à des bureaux fédéraux.

Tout en reconnaissant le mérite d'un certain nombre de bureaux et de leur personnel, nous souhaitons aussi que cette activité engendre une initiative semblable au sein de l'appareil fédéral. Nous sommes heureux de voir que nos souhaits se sont réalisés. En effet, au cours de l'année, le Secrétaire du Conseil du Trésor a mis sur pied la Mention d'honneur des langues officielles pour les personnes et les équipes qui « [...] ont fait preuve d'initiative et de créativité ou qui ont adopté des pratiques qui ont donné des résultats tangibles pour faire avancer le Programme des langues officielles ». Les ministères du Patrimoine canadien et de la Justice ont aussi lancé une activité semblable. Pour donner le plus de visibilité possible à ces initiatives, les trois organismes ont profité du Symposium national sur les langues officielles du Canada, tenu en septembre 1998, pour décerner leurs premières mentions.

Les six mentions d'honneur présentées par le SCT visaient à reconnaître le bon travail de personnes ou de bureaux au sein de l'appareil fédéral dans le domaine des langues officielles. Les quatre mentions décernées par le ministère du Patrimoine canadien mettaient en évidence le travail de personnes ayant contribué au développement de leur communauté linguistique, tandis que celles de Justice Canada soulignaient la contribution de personnes à la promotion de la dualité linguistique et juridique. Le Commissaire se réjouit de ces initiatives qui recoupent celle qu'il avait lancée au début de son mandat, et il souhaite que les organismes centraux continuent de prendre la relève.

frontières ont été conquises de façon à englober tous les membres des communautés composant le territoire qu'ils représentent, y compris les francophones. Nous suivrons de près ce dossier afin de nous assurer que la représentation des francophones au sein des commissions locales est bien proportionnelle à leur présence dans la collectivité.

La région de l'Ontario de DRHC s'est montrée réceptive aux points soulevés par la plainte et a intégré, à son plan d'action pour la mise en œuvre de la Partie VII, des mesures visant à prendre davantage conscience de cet aspect et à accroître les possibilités de développement du marché du travail pour les Franco-Ontariens. Malheureusement, aucun mécanisme de suivi n'a été mis en place afin de corriger les lacunes relevées dans la saisie des données. L'administration centrale de DRHC devrait se doter en priorité de systèmes informatiques efficaces pour vérifier dans quelle mesure on répond aux besoins de la communauté franco-ontarienne.

Une EDMT Canada-Ontario est en cours de négociation. La communauté franco-ontarienne cherche à participer activement à l'établissement de ses propres besoins et priorités en matière de formation professionnelle; elle souhaite aussi avoir voix au chapitre lorsqu'il s'agira de déterminer comment les services seront offerts et d'évaluer la pertinence de ces derniers. Nous appuyons la communauté dans cette démarche. Nous croyons que l'EDMT Canada-Ontario devrait témoigner de l'engagement non équivoque des deux parties à appuyer le développement de la communauté franco-ontarienne et comporter des mesures concrètes à cet égard.



L'engagement du gouvernement énoncé dans la Partie VII de la *Loi sur les langues officielles*. À notre avis, la création du Comité national du développement des ressources humaines de la francophonie canadienne va dans le sens de ces recommandations. Trois recommandations portaient sur les sujets suivants : l'offre active de formation dans la langue choisie par le client; l'établissement d'objectifs précis dans les futures ententes sur la mise en valeur de la main-d'œuvre pour tenir compte des obligations et de l'engagement du gouvernement stipulés à la Partie IV et à la Partie VII de la *Loi*; et, enfin, la nécessité de définir plus clairement les besoins des francophones en matière de formation professionnelle.

Le personnel de DRHC s'est fait rappeler ses obligations à l'égard de l'offre active en vertu de la Partie IV de la *Loi*. Quant à l'établissement d'objectifs, la *Loi sur l'assurance-emploi* exige seulement que les programmes et services soient offerts dans les deux langues officielles là où l'importance de la demande le justifie (Partie IV). Aucune des EDMT ne mentionne l'engagement du gouvernement à favoriser l'épanouissement des minorités de langue officielle et à appuyer leur développement (Partie VII). Selon DRHC, étant donné que la Partie VII n'impose pas d'obligations particulières aux institutions fédérales, au même titre que la Partie IV par exemple, les comités d'administration fédéraux, provinciaux et territoriaux sont les mieux placés pour la faire respecter. Nous jugeons que toute nouvelle entente avec l'Ontario qui n'incorporerait pas les obligations de la Partie VII pourrait être lourde de conséquences pour la communauté franco-ontarienne : à moins d'être conçus en tenant compte des besoins particuliers de cette communauté, les programmes et services risquent fort de ne pas contribuer du tout à son développement.

Les améliorations à apporter au processus employé pour définir les besoins des francophones en matière de formation professionnelle sont déterminées de concert avec la communauté; à cet égard, la région de l'Ontario de DRHC s'emploie plus activement à faire connaître ses programmes et ses services à l'échelon local et à rejoindre la communauté. La création du Forum francophone de la région de l'Ontario pour mettre en œuvre la Partie VII a constitué une étape importante à cet égard.

Les trois dernières recommandations portaient sur l'établissement de lignes directrices pour les commissions locales du marché du travail; la représentation des francophones au sein de ces commissions, proportionnellement à leur présence dans la collectivité; et la réévaluation des frontières du territoire des commissions locales pour s'assurer que le nombre de francophones dans chacun des nouveaux territoires n'a pas diminué. D'après DRHC, des lignes directrices sont fournies aux commissions locales en Ontario par voie de communications conjoints des gouvernements fédéral et provincial et le Ministère surveille la mise sur pied des commissions pour veiller à ce que les francophones y soient représentés en nombre proportionnel à leur présence dans la collectivité. Pour ce qui est de la réévaluation des frontières des commissions locales, le Ministère maintient que ces

des bureaux fédéraux désignés de la province accuse un net recul par rapport à 1994. La communauté d'expression française de l'Alberta nous avait d'ailleurs signalé ces lacunes.

Au chapitre des éléments matériels nécessaires à la prestation du service dans les deux langues officielles, on constate que près de huit bureaux désignés sur dix affichent maintenant le pictogramme du SCT. Cependant, les gestionnaires des bureaux désignés en Alberta devraient se montrer plus vigilants pour s'assurer que la signalisation et l'affichage de leur bureau respectent les exigences de la *Loi* et que la documentation est constamment disponible dans les deux langues officielles.

#### Les recommandations du Commissaire

Les rapports de suivi des quatre régions susmentionnées font état d'un total de quelque 440 recommandations visant à amener les gestionnaires de chacun des bureaux à corriger les nombreuses lacunes observées et offrir ainsi de meilleurs services dans les deux langues officielles. Nous estimons que tous les bureaux désignés à cette fin devraient être en mesure d'offrir, dans les deux langues officielles, le service auquel le public a droit.

### v) LA STRATÉGIE DE MISE EN VALEUR DE LA MAIN-D'ŒUVRE DEPUIS L'ENQUÊTE DE 1995

En 1998, nous avons achevé le suivi de notre enquête sur le programme de formation professionnelle offert par Développement des ressources humaines Canada (DRHC) en Ontario.

Dans le *Rapport annuel 1995*, le Commissaire avait formulé trois recommandations concernant la saisie de données effectuée par les deux ordres de gouvernement (pour distinguer entre la formation offerte en français et en anglais) afin d'évaluer l'effet des programmes et des services sur le développement et l'épanouissement de la communauté franco-ontarienne. L'administration centrale de DRHC a pris des mesures pour assurer la saisie des données liées aux langues officielles à l'interne et par des tierces parties. Cependant, nous sommes d'avis que ces données ne seront utiles que si elles permettent d'évaluer dans quelle mesure les programmes favorisent effectivement le développement de la communauté franco-ontarienne. Cette exigence devrait être intégrée aux Ententes sur le développement du marché du travail (EDMT) et témoigner de l'engagement des deux parties à suivre de près les résultats. Cela n'a pas encore été fait.

Deux des recommandations avaient trait, d'une part, à l'examen de la structure organisationnelle de la mise en valeur de la main-d'œuvre en Ontario pour déterminer dans quelle mesure elle correspond aux besoins de la communauté francophone et, d'autre part, à l'élargissement du mandat de la Commission canadienne de mise en valeur de la main-d'œuvre pour y inclure une fonction consultative afin d'aider DRHC à respecter



Une situation inquiétante en Nouvelle-Écosse

Les bureaux désignés pour offrir des services dans les deux langues officielles en Nouvelle-Écosse présentent une situation plutôt contradictoire. D'une part, ils ont fait des progrès notables quant à la présence des éléments matériels nécessaires à la prestation des services en français et en anglais. Presque sept bureaux sur dix accueillent désormais le public au téléphone dans les deux langues officielles. D'autre part, le service en français en personne ne s'est pas amélioré. Quant au service en français au téléphone, il est moins disponible qu'il ne l'était en 1994, la capacité bilingue dans les bureaux désignés ayant été considérablement réduite. La communauté de langue officielle minoritaire de la province a raison de se plaindre.

Des progrès dans la région de la capitale nationale

Selon l'étude de 1994, les bureaux des administrations centrales et les bureaux nationaux, dans la RCN, offraient généralement de très bons services en français et en anglais; les bureaux où nous avons observé des lacunes servaient surtout la population locale en Ontario. Le suivi a permis de constater que plusieurs des problèmes soulevés lors de l'étude ont été corrigés ou sont en voie de l'être. Ainsi, dans l'ensemble, les éléments matériels nécessaires à la prestation des services dans les deux langues ont été améliorés. Le service au téléphone dans les deux langues officielles est disponible dans presque tous les cas. Il en est de même du service en personne, à quelques exceptions près. On note une amélioration importante quant à la capacité bilingue des bureaux; plusieurs petits bureaux où des lacunes avaient

Tableau III.13

Résultats comparatifs de l'étude (1994) et du suivi (1998), par province et région, dans les bureaux désignés pour fournir des services dans les deux langues officielles

Province/Région	Nouveau-Brunswick	Nouvelle-Écosse	RCN	Alberta
Élément du service	Étude (%)	Suivi (%)	Étude (%)	Suivi (%)
Signalisation extérieure	99	98	93	98
Affichage intérieur	93	92	92	93
Documentation	91	83	96	84
Formulaires	100	90	97	100
Pictogramme	71	82	72	86
Accueil bilingue au téléphone	62	62	43	67
Accueil bilingue en personne	19	16	8	11
Service au téléphone	84	77	78	73
Service en personne	85	78	73	72
Capacité bilingue suffisante	81	77	77	60

Un service déficient en Alberta

été signalées lors de l'étude initiale ont augmenté leur efficacité du personnel en place. L'accueil au téléphone dans les deux langues est demeuré le même, mais l'accueil en personne, en français et en anglais, dans les bureaux fédéraux de la région de la capitale nationale s'est détérioré. En effet, lors de notre suivi, à peine quatre bureaux sur dix ont accueilli le public en personne au moyen d'une salutation dans les deux langues.

En Alberta, le suivi indique que les bureaux fédéraux désignés éprouvent de la difficulté à fournir de façon constante des services dans les deux langues officielles, particulièrement au téléphone. En effet, l'accueil au téléphone, en français et en anglais, ne se fait que dans la moitié des cas et à peine six bureaux désignés sur dix sont en mesure de fournir le service en français. De plus, seulement un bureau désigné sur dix accueille, au moyen d'une salutation dans les deux langues, les clients qui s'y présentent en personne. Signalements toutefois que près de sept bureaux désignés sur dix sont en mesure d'offrir le service en personne dans les deux langues officielles, ce qui constitue une légère amélioration par rapport à la situation observée en 1994. Cependant, le service offert en français par plusieurs bureaux est souvent rudimentaire et le personnel bilingue est particulièrement mis à contribution, les mêmes personnes étant souvent tenues de fournir l'ensemble des services bilingues dans tout le bureau. La capacité bilingue

L'information du public

Avant d'entreprendre notre suivi, nous avions rencontré les communautés de langue officielle minoritaire. Ces dernières déplaçaient de n'être pas convenablement informées de l'emplacement des bureaux bilingues et des services offerts par chacun, ce que le suivi a confirmé. Le SCT, qui tient à jour et affiche sur Internet la liste des bureaux devant offrir des services bilingues, a cependant, tant en 1994 qu'en 1997, publié des encarts dans les journaux de langue officielle minoritaire pour informer le public de l'emplacement de ces bureaux.

Passant en revue les informations contenues dans le répertoire du SCT, nous avons constaté qu'elles étaient erronées dans plus de 20 p. 100 des cas. Nous avons également consulté les annuaires téléphoniques locaux. Le suivi révèle que les inscriptions dans ces annuaires sont généralement identiques d'une langue à l'autre et ne permettent pas aux membres de la communauté de langue officielle minoritaire de connaître les bureaux désignés bilingues.

La réaction des institutions fédérales

Les institutions ont réagi à nos rapports en prenant des mesures pour corriger les lacunes relevées. Un éventuel suivi nous dira si ces mesures ont porté fruit. Nous incitons le SCT à exercer une surveillance plus rigoureuse.

La réponse du Secrétariat du Conseil du Trésor

Le rapport d'étape contient sept recommandations incitant le SCT à faire preuve de plus de leadership et à prendre immédiatement des mesures énergiques à l'endroit des institutions dont les bureaux désignés sont incapables d'offrir des services convenables dans les deux langues officielles.

D'après le SCT, ce sont les institutions fédérales elles-mêmes qui sont maintenant responsables de la mise en œuvre des politiques en matière de langues officielles. Le rôle du SCT est d'indiquer les grandes orientations et d'évaluer l'état général du programme en demandant aux institutions de faire rapport une fois l'an sur la façon dont elles s'acquittent de leurs obligations linguistiques. Le SCT se fie aux données des institutions tant pour le répertoire des bureaux désignés (adresses et numéros de téléphone y compris) que pour les plans d'action requis à la suite d'études comme celle que nous avons menée en 1994. Il mène parfois ses propres études dont il communique les résultats aux institutions et leur demande de faire rapport l'année suivante sur les suites qu'elles y ont données.

Le SCT souligne qu'il a entrepris une série de vérifications dans certaines régions métropolitaines et qu'il essaiera d'y inclure des bureaux qui n'ont pas été examinés jusqu'à maintenant par le Commissariat aux langues officielles. Il a également commandé une étude sur la disponibilité des services

Un léger recul au Nouveau-Brunswick

Les constatations du suivi dans quatre régions Outre le rapport d'étape, des rapports distincts ont été produits en 1998 pour quatre autres régions : le Nouveau-Brunswick, la Nouvelle-Écosse, la RCN et l'Alberta. Le tableau III.13 compare les résultats obtenus lors du suivi par rapport à ceux de l'étude de 1994 pour chaque élément du service dans les deux langues officielles.

Plusieurs facteurs peuvent avoir contribué à ce portrait plus optimiste de la disponibilité des services téléphoniques dans les deux langues officielles dans les bureaux désignés bilingues. Ainsi, seul le numéro de téléphone le plus susceptible d'être utilisé par le public a été retenu. Or, la capacité d'offrir des services téléphoniques dans les deux langues est généralement meilleure à ce numéro qu'elle ne l'est aux autres numéros inscrits dans le répertoire. Le rapport de l'étude indique également que la qualité de la langue posait un problème de communication dans 11 p. 100 des cas et que les enquêteurs ont dû avoir recours à la langue de la majorité pour obtenir le service en langue minoritaire dans 10 p. 100 des cas. Pourtant, ces résultats semblent faire partie des situations où le service a été fourni en fin de compte. Cela confirme que, très souvent, le public doit faire preuve de ténacité pour obtenir le service dans sa langue. En somme, la situation vécue quotidiennement par les membres des communautés de langue officielle en situation minoritaire dans tout le pays semble passablement moins encourageante que ne le laisse entendre l'étude commandée par le SCT.

Plusieurs facteurs peuvent avoir contribué à ce portrait plus optimiste de la disponibilité des services téléphoniques dans les deux langues officielles. Selon cette étude, le public est accueilli dans les deux langues un peu moins de sept fois sur dix à l'échelle nationale, et près de neuf bureaux sur dix peuvent fournir des services adéquats dans la langue de la minorité.

L'accueil au téléphone dans les deux langues s'est stabilisé à 62 p. 100 tandis que, pour le service en personne, il ne se pratique plus que dans un peu moins de deux bureaux sur dix. La capacité bilingue des bureaux désignés a diminué, ce qui s'est traduit par un recul dans la prestation des services dans les deux langues officielles, tant au téléphone qu'en personne.

prendre des mesures de surveillance plus rigoureuses à l'égard des institutions dont le rendement linguistique laisse toujours à désirer.

#### Le service au téléphone

Dans les bureaux que nous avons visités, le rendement pour le service offert par téléphone dans les deux langues officielles est passé de 74 p. 100 en 1994 à 58 p. 100 lors de notre suivi. L'accueil téléphonique dans une seule langue relevé dans 43 p. 100 des bureaux visités explique en partie ce portrait plutôt négatif. Comme l'indiquent nos rapports successifs cependant, les transferts d'appels effectués dans une seule langue, les messages unilingues dans les boîtes vocales des employés qui doivent fournir le service en français et en anglais ainsi que l'absence de personnel bilingue sont autant de facteurs qui interrompent la chaîne du service dans les deux langues officielles. En somme, le public doit trop souvent faire preuve de persévérance et même de ténacité pour obtenir des services dans la langue de son choix.

#### Le service en personne

Le service en personne dans les deux langues officielles s'est quelque peu amélioré par rapport à 1994, le taux d'efficacité passant de 67 p. 100 à 71 p. 100 dans les mêmes régions. Cependant, le service n'était toujours pas disponible en français dans 29 p. 100 des bureaux désignés bilingues que nous avons visités. Ainsi, 29 bureaux désignés (14 p. 100 des bureaux en étaient toujours incapables lors du suivi. Dans 27 autres bureaux (13 p. 100 des bureaux visités), la situation s'est détériorée depuis 1994. Dans la plupart des cas, ces bureaux ne disposaient pas d'une capacité bilingue suffisante pour offrir le service en français de façon constante.

#### La capacité bilingue

La capacité bilingue des bureaux désignés a diminué. En effet, en 1994, 68 p. 100 des bureaux désignés avaient une capacité bilingue au moins suffisante. Le suivi indique qu'à peine 59 p. 100 des bureaux désignés ont présentement un niveau adéquat de capacité bilingue, ce qui ne laisse pas de nous inquiéter d'autant plus que le nombre de bureaux désignés a diminué partout au Canada avec les compressions budgétaires. Ainsi, 21 bureaux que nous avons visités (10 p. 100) n'avaient aucune capacité bilingue sur place tandis que 45 autres (22 p. 100) ne disposaient que d'un seul employé bilingue. Dans ces cas, l'absence de l'unique employé bilingue prive le bureau de son entière capacité d'offrir le service dans les deux langues officielles. Il va sans dire que les bureaux désignés pour fournir des services dans les deux langues doivent disposer de ressources bilingues adéquates.

#### Les éléments humains

##### L'offre active de service

Quant aux éléments humains, c'est-à-dire ceux qui ont trait à la prestation réelle de services, les recommandations que nous avons faites en 1994 n'ont pas produit les résultats auxquels le public était en droit de s'attendre. D'une part, les moyens utilisés par les bureaux désignés pour inviter les membres du public à utiliser la langue de leur choix sont loin d'être satisfaisants. Le suivi révèle que l'accueil bilingue au téléphone n'est employé de façon constante que dans 57 p. 100 des cas. D'autre part, dans seulement 21 p. 100 des bureaux visités l'accueil en personne se fait dans les deux langues, un recul par rapport à la situation observée lors de l'étude initiale.

Nous reconnaissons que le SCT a fait des efforts louables pour faire valoir les avantages de l'offre active en créant et en diffusant une nouvelle affiche dans tous les bureaux désignés pour fournir des services en français et en anglais. Il a également produit une vidéo sur cette question et son personnel a organisé des séances de sensibilisation à l'intention des gestionnaires de toutes les régions. Le SCT a aussi commandé une étude sur la disponibilité des services téléphoniques dans les bureaux désignés, y compris l'accueil dans les deux langues officielles. Nous présentons ci-dessous certains résultats de cette étude. Le SCT devrait toutefois

**Tableau III.12**  
Mesure dans laquelle les bureaux désignés pour fournir des services dans les deux langues officielles satisfont à leurs obligations linguistiques

Élément du service	Étude 1994	Suivi 1996-1997-1998
<i>Éléments matériels</i>		
Signalisation extérieure	95 %	90 %
Affichage intérieur	85 %	88 %
Documentation	85 %	78 %
Formulaires	92 %	83 %
Pictogramme	64 %	84 %
<i>Éléments humains</i>		
Accueil bilingue au téléphone	54 %	57 %
Accueil bilingue en personne	26 %	21 %
Service au téléphone	74 %	58 %
Service en personne	67 %	71 %
Capacité bilingue suffisante	68 %	59 %



**iv) SUIVI DE L'ÉTUDE DES BUREAUX FÉDÉRAUX  
DÉSIGNÉS POUR RÉPONDRE AU PUBLIC EN  
FRANÇAIS ET EN ANGLAIS**

En 1994, le Commissaire avait effectué une étude générale sur la prestation des services dans les deux langues officielles dans les bureaux fédéraux désignés à cette fin. Nous avons constaté que, dans 79 p. 100 des cas, le service était disponible dans la langue choisie (sans offre active toutefois). À l'extérieur du Québec, les services en français étaient disponibles dans seulement 72 p. 100 des cas en moyenne, avec des variations importantes d'une région à l'autre. Au Québec, les services en anglais étaient disponibles (mais généralement sans offre active) dans les bureaux désignés dans 98,8 p. 100 des cas. L'absence d'offre active était une lacune importante dans tout le pays. Le Commissaire avait formulé dix recommandations à l'intention de toutes les institutions fédérales assujetties à la *Loi sur les langues officielles*.

À l'automne 1996, nous avons entrepris le suivi de cette étude pour déterminer s'il y avait eu amélioration depuis 1994 et si les recommandations du Commissaire avaient été mises en œuvre. Ce suivi, qui s'effectue région par région, s'étale sur une période de trois ans. Un rapport distinct est prévu pour chaque province et territoire. Les résultats sont présentés bureau par bureau de façon à permettre à chacun d'apporter des correctifs immédiats là où nous avons relevé des lacunes.

*Le Rapport annuel* de l'an dernier présentait la situation observée dans cinq régions. Cette année, nous faisons le point sur les tendances générales observées à ce jour et présentons les résultats de quatre régions : le Nouveau-Brunswick, la Nouvelle-

**Les constatations du rapport d'étape**

Comme le montre le tableau III.12, plusieurs des 207 bureaux compris dans notre rapport d'étape ne possèdent pas tous les éléments essentiels à la prestation des services dans les deux langues officielles. Ainsi, bon nombre des problèmes soulevés lors de l'étude initiale perdurent dans les mêmes régions. Malgré certains progrès, la situation touchant les éléments humains du service laisse toujours à désirer.

**Les éléments matériels**

Plusieurs des éléments matériels nécessaires au service dans les deux langues officielles accusent une baisse par rapport à 1994, sauf l'affichage à l'intérieur et l'utilisation de panneaux pour annoncer la disponibilité du service en français et en anglais. Nous nous attendions à ce que tous ces éléments soient en place puisqu'il est facile d'apposer des affiches et de veiller à la présence de documents bilingues dans les présentoirs. Cette situation témoigne d'un manque de surveillance de la part des institutions elles-mêmes, mais aussi de la part du SCT qui, à notre avis, n'a pas suivi la situation d'assez près.

Bien qu'il n'assure pas lui-même les services liés au contrôle de sûreté des passagers à l'aéroport, Transports Canada est responsable d'élaborer les règlements et les lignes directrices à l'intention des transporteurs aériens. À cet égard, le Commissaire a complété, au début de l'année, une étude sur la langue de communication aux points de contrôle de sûreté préalable à l'embarquement dans les aéroports. Quinze recommandations visant à améliorer l'aspect linguistique des communications entre le personnel aux points de contrôle de sûreté et les voyageurs s'adressent à Transports Canada. Lors de nos passages à ces points de contrôle, l'accueil a été fait en anglais seulement dans tous les cas, mais nous avons pu à chaque fois être servis en français. Nous avons constaté également que les affiches qui se trouvent à l'entrée du secteur de contrôle des passagers ainsi que sur les appareils de vérification des bagages sont bilingues.

En ce qui a trait à l'image linguistique de l'aéroport, elle est marquée par de grands panneaux publicitaires lumineux placés dans le hall principal, dans l'aire des départs et dans l'aire des arrivées. L'Administration loue les espaces installés à cette fin à des entreprises désireuses de faire de la publicité, et cette location représente pour elle un revenu annuel non négligeable. Dans l'ensemble, la publicité est en anglais seulement, même si certains panneaux sont bilingues ou contiennent quelques mots de français. Étant donné sa haute visibilité, cette publicité tend à projeter une image unilingue de la capitale du Canada.

Depuis qu'elle a pris la relève de Transports Canada, l'Administration de l'aéroport a invité les entreprises à faire de la publicité en français. Elle leur a même offert une aide financière pour faire les modifications nécessaires, mais plusieurs de ces entreprises ont décliné l'offre et prétèrent que leur affiche demeure en anglais seulement. L'Administration ne peut imposer des exigences linguistiques aux entreprises privées. Elle ne peut pas non plus se priver des revenus appréciables que cette publicité lui rapporte, elle-même étant une entreprise commerciale. Nous l'encourageons cependant à continuer ses démarches auprès des entreprises pour que la publicité soit équilibrée dans chaque langue.

*Les cadres de l'Administration de l'aéroport ont démontré une grande ouverture d'esprit et la volonté de respecter pleinement leurs obligations linguistiques afin que le public voyageur se sente à l'aise d'utiliser la langue officielle de son choix.*

Les cadres de l'Administration ont déjà pris plusieurs mesures pour améliorer les services en général, et ceux en français en particulier. Nous les félicitons de leur engagement à apporter tous les correctifs nécessaires pour que l'aéroport international d'Ottawa soit en mesure d'offrir toute la gamme de ses services en français comme en anglais.

Pour ce qui est des services de sécurité à l'aéroport, à l'exception des contrôles préables à l'embarquement, ils sont assurés par la police de la municipalité régionale d'Ottawa-Carleton et par le Corps canadien des commissionnaires. À deux reprises, les commissionnaires à qui nous nous sommes adressés n'ont pas su nous répondre en français. Étant donné que ces agents de sécurité sont souvent le premier point de contact du public et, surtout, qu'ils ont le pouvoir d'intercepter quiconque ne se conformerait pas aux règles de sécurité établies, il est essentiel, à notre avis, qu'ils soient en mesure d'assurer sur-le-champ le service dans les deux langues officielles. Le Commissaire a donc recommandé à l'Administration de l'aéroport de s'assurer que les agents chargés de la sécurité dans l'aérogare, à chaque quart de travail, soient en mesure de communiquer avec les membres du public dans les deux langues officielles.

En ce qui concerne les services de Citoyenneté et Immigration Canada et de Revenu Canada (Douanes), nous avons constaté qu'ils étaient offerts activement et fournis dans les deux langues officielles. Nos entrevues ont démontré que les gestionnaires et les employés de ces institutions affectés à l'aéroport sont au fait de leurs obligations linguistiques et qu'ils sont en mesure d'offrir un service satisfaisant dans les deux langues officielles.

Aux comptoirs d'Air Canada, les préposés à la billetterie et à l'enregistrement des bagages nous ont accueillis en anglais seulement. Nous avons cependant pu obtenir le service en français, même à un guichet non muni du pictogramme indiquant la disponibilité de services bilingues. Durant les périodes d'affluence, un préposé guide les voyageurs en file vers le guichet approprié. Lors de nos visites, nous avons noté qu'il s'adressait en anglais seulement aux clients. Lorsque'il n'y a pas de préposé, c'est l'agent du guichet qui se libère qui appelle les voyageurs, en anglais seulement.

La Société essaie d'encourager et d'améliorer l'offre active de service dans les deux langues officielles, mais elle a établi peu de mesures de contrôle pour s'assurer que les employés respectent cette obligation. Le Commissaire a donc recommandé à Air Canada de mettre en place les mesures nécessaires pour s'assurer que les agents qui offrent le service dans les deux langues officielles et le préposé à la file d'attente utilisent une formule d'accueil bilingue. Étant donné que les guichets où le service était disponible dans les deux langues officielles n'étaient pas clairement indiqués, le Commissaire a aussi recommandé à Air Canada de s'assurer que les employés bilingues mettent toujours bien en vue le pictogramme indiquant que le service est disponible dans les deux langues. Par contre, les annonces d'embarquement et l'affichage dont Air Canada est responsable étaient bilingues, ainsi que les horaires de vols et autres documents mis à la disposition des voyageurs.

*Le manque d'offre active et l'affichage commercial presque exclusivement en anglais laissent croire que les services en français ne sont pas disponibles à l'aéroport international d'Ottawa. Les services sont disponibles en français la plupart du temps, mais les clients doivent les demander et parfois attendre pour les obtenir, ce qui cause de la frustration. La nouvelle Administration a toutefois pris des mesures pour améliorer la situation.*

C'est en février 1997 que la nouvelle Administration de l'aéroport a officiellement pris la relève de Transports Canada. Elle demeure assujettie à la *Loi sur les langues officielles* et a la responsabilité de s'assurer que les services offerts à l'aéroport par quelque 47 commissionnaires (y compris sept transporteurs aériens) sont disponibles en français et en anglais. Elle doit aussi veiller à ce que l'affichage et la signalisation existant dans les deux langues officielles. L'Administration offre elle-même peu de services directement aux voyageurs, la plupart étant fournis par des commissionnaires, mais ceux qu'elle offre sont disponibles dans les deux langues. Cela comprend les panneaux et les affiches qui servent à guider les voyageurs dans l'aéroport.

Lors de nos visites aux divers points de service, l'accueil s'est généralement fait en anglais seulement. Cependant, nous avons pu être servi en français à plusieurs occasions. Dans les cas où le préposé s'exprimait difficilement ou pas du tout en français, nous avons parfois dû attendre qu'un préposé bilingue se libère. Depuis sa création, l'Administration de l'aéroport a pris des mesures pour améliorer l'aspect linguistique des services des commissionnaires en exigeant, par exemple, que les employés affectés à l'aéroport soient tous en mesure d'offrir le service dans les deux langues officielles. Les ententes que nous avons examinées précisent les services que les entreprises doivent offrir en français et en anglais. Le niveau de bilinguisme requis pour offrir un service adéquat en français et en anglais n'y est toutefois pas défini. À cet égard, les commissionnaires se tiennent aux renseignements fournis par les candidats qui postulent un emploi. Pour s'assurer que les divers commissionnaires offrent un service de qualité égale dans les deux langues officielles, le Commissaire a recommandé à l'Administration de mettre en place des mesures de contrôle visant à s'assurer que les commissionnaires avec lesquels elle signe des ententes respectent les obligations en matière de langues officielles, y compris l'offre active de service en français et en anglais. Il a aussi recommandé de prendre des mesures pour vérifier le niveau de bilinguisme des employés embauchés par les commissionnaires qui travaillent à l'aéroport afin de s'assurer qu'ils sont en mesure de communiquer adéquatement avec les voyageurs et le public dans les deux langues officielles.



## h) LES ÉTUDES SPÉCIALES

### ii) INTERNET, SUIVI ET PHASE II

En fin d'année, nous avons entrepris le suivi d'une étude spéciale publiée en décembre 1996 sur l'utilisation d'Internet par 20 institutions fédérales. Le rapport de cette étude, qui peut être consulté sur le site Web du Commissariat aux langues officielles [[www.ocol-clo.gc.ca](http://www.ocol-clo.gc.ca)], contient 22 recommandations s'appliquant à l'ensemble des institutions fédérales. Ces recommandations portent, entre autres, sur les services que l'administration fédérale offre au public sur Internet; sur les droits linguistiques des fonctionnaires, pour qui Internet constitue un outil de travail; ainsi que sur les pratiques d'acquisition et la production de logiciels de navigation bilingues. Le suivi a pour objet d'examiner comment les institutions fédérales visées par la première étude et sept autres institutions ont mis en application les recommandations du Commissaire concernant le service au public et la langue de travail dans les régions désignées.

Étant donné que l'étude sur Internet remonte à plus de deux ans, que la présence sur Internet des institutions fédérales s'est considérablement accrue depuis la publication du rapport et qu'Internet deviendra vraisemblablement la plus importante source du savoir au XXI<sup>e</sup> siècle, le suivi ne se limitera pas au seul examen de la mise en œuvre des recommandations, mais comprendra un volet sur la façon dont les institutions choisies participent à l'obligation du gouvernement du Canada de favoriser l'utilisation appropriée du français et de l'anglais sur Internet.

Nous ferons un rapport détaillé de cette importante étude en 1999.

### iii) RÉORGANISATION DE LA GENDARMERIE ROYALE DU CANADA

La Gendarmerie royale du Canada (GRC) a poursuivi cette année son importante réorganisation entreprise en 1994. Cette réorganisation entraînera, entre autres, la fusion ou la réduction de détachements et le regroupement de divisions. On peut s'attendre à des répercussions majeures sur les droits linguistiques du public et des membres de la GRC dans la plupart des régions du pays.

L'évolution du rôle de la GRC dans huit provinces et dans les deux territoires, de même que les fonctions de police communautaire qu'elle entend y exercer en vertu d'ententes passées avec ces provinces et territoires, influent sur sa perception du rôle qu'elle doit jouer en tant qu'institution fédérale soumise à la Loi sur les langues officielles. Par suite du regroupement et de la réduction de détachements au profit de l'auto-patrouille, il importe d'examiner les mesures mises en place par la GRC pour assurer la prestation de services bilingues adéquats.

De plus, la nature particulière de la GRC (qui la distingue des autres employeurs fédéraux) et les politiques qu'elle est appelée à

adopter à l'égard du déploiement de sa main-d'œuvre ont une incidence considérable non seulement sur les droits linguistiques de ses membres en matière de langue de travail et de participation équitable, mais aussi sur le bien-fondé des exigences linguistiques de ses postes. Enfin, le récent passage du concept d'effectif bilingue de service (EBS) à la désignation linguistique de chaque poste, rendue nécessaire par la décision de la Cour fédérale sur la prime au bilinguisme, pourrait avoir des effets sur les droits linguistiques du public et des membres de la GRC.

Aussi le Commissaire a-t-il décidé en fin d'année de mener une enquête spéciale sur la réorganisation en cours à la GRC, y compris ses nouvelles politiques et façons de procéder pour offrir ses services. Il s'intéresse aussi à la manière dont la GRC entend s'acquitter de ses responsabilités linguistiques en matière de service au public, de langue de travail, de participation équitable, d'identification linguistique des postes et de promotion du français et de l'anglais dans ce nouveau contexte.

Au moment d'entreprendre cette étude, le Commissaire avait reçu trois plaintes concernant la réorganisation des services de la GRC dans la région de la rivière Rouge au Manitoba; cette réorganisation devait entraîner des changements majeurs au détachement de Saint-Pierre-Jolys. Les plaignants étaient d'avis que la réstructuration irait à l'encontre des dispositions des Parties IV (communication avec le public et prestation des services) et VII (appui des institutions fédérales aux communautés de langue officielle vivant en situation minoritaire) de la Loi. Au moment d'écrire ces lignes, nous apprenions que, à la suite d'une soirée publique d'information au cours de laquelle plusieurs intervenants de la communauté franco-manitobaine ont fait connaître leur opposition au projet, la GRC a décidé de surseoir à la réorganisation qui devait prendre effet le 1<sup>er</sup> janvier 1999; elle attend les recommandations d'un comité regroupant des intervenants fédéraux, provinciaux et municipaux ainsi que des représentants de la communauté. Le Commissariat siègera à ce comité à titre d'observateur.

### !!!!) AÉROPORT INTERNATIONAL MACDONALD-CARTIER D'OTTAWA

Nous avons effectué cette année une étude spéciale sur l'aspect linguistique des services offerts au public à l'aéroport international Macdonald-Cartier d'Ottawa. Cette étude donnait suite à des affirmations selon lesquelles les services n'étaient pas offerts de façon satisfaisante dans les deux langues officielles et l'aéroport ne projetait pas une image bilingue. Nous avons examiné les services offerts par les concessionnaires, par les transporteurs aériens et par les bureaux de Citoyenneté et Immigration Canada, de Revenu Canada (Douanes), de Transports Canada et de l'Air Canada. Nous avons aussi étudié l'ensemble de la signalisation et de l'affichage et leur incidence sur l'« image linguistique » projetée à l'aéroport.



## VIA RAIL

En 1998, nous avons enquêté sur sept plaintes mettant en cause Via Rail, comparativement à 22 en 1997. Six plaintes portaient sur le service aux voyageurs dans les gares et à bord des trains. De ces dernières, cinq traitaient du service offert sur le tronçon Toronto-Windsor. La septième plainte, que nous avons jugée non fondée, portait sur la langue de travail. Nous n'avons reçu aucune plainte relativement au service à bord des trains dans le triangle Montréal-Ottawa-Toronto.

Nous nous sommes interrogés sur cette baisse du nombre de plaintes, notamment à bord des trains circulant entre Montréal, Ottawa et Toronto. Le Commissaire a toutes les raisons de croire que cette amélioration est attribuable en grande partie à ses nombreuses interventions auprès de Via Rail et des mesures prises par la Société au cours des dernières années, dans le cadre du recours judiciaire qu'il a intenté contre elle concernant les lacunes liées au service en français.

L'offre et la disponibilité des services en français à bord des trains de Via Rail dans le triangle Montréal-Ottawa-Toronto et dans les gares fait l'objet d'un recours judiciaire en Cour fédérale. Un des principaux problèmes à la base de ce recours provenait du fait que Via Rail prétendait ne pas pouvoir affecter le personnel bilingue voulu en raison du principe de l'ancienneté. Le Commissaire a toujours soutenu que l'application de la *Loi sur les langues officielles* ne peut être subordonnée au respect d'ententes contractuelles. Depuis le dépôt des procédures, les parties ont eu de nombreuses discussions en vue de régler leur différend.

Au cours de la dernière année, Via Rail a apporté des changements importants sur le plan de la composition et des responsabilités des unités de travail. Ainsi, la Société a aboli le poste de chef de train. Elle a aussi créé un nouveau poste, bilingue, de directeur de service. Ces mesures ont été prises afin d'améliorer l'offre et la prestation des services en français à bord des trains circulant dans le triangle Montréal-Ottawa-Toronto. Via Rail a désigné un certain nombre de postes bilingues sur ces routes; il y a maintenant au moins un poste désigné bilingue en voiture-coach et un autre en voiture-club. La Société nous a rapporté qu'au cours des six derniers mois, ces postes bilingues ont été comblés par des employés bilingues dans une proportion variant entre 98 p.100 et 100 p.100.

En début d'année, le Commissaire aura l'occasion de faire le point sur l'opportunité de poursuivre le recours judiciaire formé en vertu de la *Loi*, à la lumière, notamment, des résultats fournis par Via Rail et de la vérification ponctuelle du service qu'il a menée à l'automne de 1998.

problèmes. Diverses recommandations ont été formulées à cet égard : examiner les exigences linguistiques de tous les postes à la Direction générale du service des approvisionnement; intégrer les considérations relatives aux langues officielles dans tous les aspects du processus de passation de contrats; faire en sorte que les exigences linguistiques bilingues soient relevées dès le début du processus et fasse partie de la stratégie d'approvisionnement; et informer les employés de leurs obligations linguistiques.

TPSGC s'est engagé à donner suite à ces recommandations une fois qu'il aura réglé un certain nombre de problèmes liés à l'instauration du service électronique d'appels d'offres du gouvernement. Le Ministère, en collaboration avec le Conseil du Trésor, doit revoir la façon dont sont appliqués les règlements sur les langues officielles et la politique du SCT sur la sous-traitance à la lumière de l'utilisation de ce service national. Il déterminera quelle est précisément la clientèle servie par les bureaux des approvisionnements et clarifiera l'expression « clientèle restreinte et identifiable » dans ce contexte. De plus, dans le cadre d'une étude que mène TPSGC à l'échelle du Ministère, ce dernier prévoit aborder l'aspect « langue de travail » de la recommandation du Commissaire de sorte que les droits linguistiques des ministères clients et des employés soient pleinement respectés à toutes les étapes du processus de passation de contrats. Les résultats de l'étude étaient en cours d'analyse à la fin de l'année, et nous suivons ces dossiers de près.

En 1996, nous avions reçu une plainte à l'effet que des systèmes d'exploitation et des logiciels étaient systématiquement installés en anglais seulement dans les ordinateurs d'employés de la Direction générale des services immobiliers. Comme le Conseil du Trésor menait alors une vérification sur la technologie de l'information, qui englobait TPSGC, et afin d'éviter le double emploi, nous avons décidé de différer notre enquête jusqu'à la réception des résultats de la vérification. Dans son rapport, le SCT confirme que, la plupart du temps, les employés reçoivent la version anglaise des logiciels et doivent demander la version française. Outre les recommandations faites par le Conseil du Trésor dans sa vérification, le Commissaire a recommandé que TPSGC fasse savoir aux gestionnaires que les systèmes informatiques d'usage courant et généralisés doivent être offerts simultanément dans les deux langues officielles et prenne des mesures pour déterminer les préférences linguistiques des employés à cet égard. Il a aussi recommandé au Ministère de tenir compte des obligations relatives aux langues officielles dans la planification de l'acquisition de systèmes informatiques. Enfin, il a recommandé que TPSGC informe ses employés que des claviers bilingues sont disponibles et, au moment de leur installation, veille à ce que les ajustements nécessaires soient apportés aux logiciels de manière que soient générés les caractères accentués voulus. Nous surveillerons la suite donnée à ces recommandations en 1999.

La sous-traitance est un autre domaine lié au rôle d'organisme central du Ministère qui suscite des préoccupations sur le plan des langues officielles. À la suite de notre enquête de 1997 sur le processus d'appel d'offres relatif au Projet d'achat d'hélicoptères de recherche et de sauvetage, le Commissaire avait recommandé que TPSGC revise ses méthodes de sous-traitance afin que celles-ci respectent les droits linguistiques des membres du public, des ministères clients et des employés. Donnant suite à la recommandation, le Ministère a mené cette année un examen exhaustif des aspects de la sous-traitance comportant des services au public, lequel a mis en lumière un certain nombre de

Cette année, le Commissaire a recommandé que TPSGC, en collaboration avec le SCT, informe les institutions fédérales de la politique amendée du Conseil du Trésor quant au recours aux hebdomadaires bilingues du Québec lorsqu'elle sera émise et fournisse les conseils voulus concernant les exigences à respecter à cet égard. Nous avons jugé nécessaire de faire cette recommandation après avoir enquêté sur une plainte, en 1996 et 1997, concernant l'exclusion systématique des hebdomadaires bilingues de la liste de journaux anglophones auxquels les institutions fédérales ont recours pour leurs campagnes de publicité au Québec. Nous avons conclu que les institutions fédérales devaient avoir recours aux hebdomadaires bilingues de publicité francsais et anglais. Notre enquête a révélé que l'absence d'une politique du Conseil du Trésor sur le recours aux journaux bilingues constituait une grande partie du problème. Étant donné que TPSGC assume des responsabilités en ce qui concerne le recours aux médias par les institutions fédérales, nous sommes d'avis que le Ministère devrait unir ses efforts à ceux du SCT pour remédier à la situation.

Deux autres plaignants ont contesté l'absence d'accents sur les pages bleues des annuaires téléphoniques de Moncton et d'Ottawa-Hull. Ce problème systémique a d'abord été signalé en 1996 à la faveur d'une plainte concernant les annuaires de Montréal et de Québec. Il persisterait, selon le Ministère, en raison de difficultés techniques. Notre enquête a pourtant révélé que la technologie permet d'ajouter les accents requis, comme l'atteste la présence de ceux-ci dans les annuaires téléphoniques de Winnipeg et du Grand Vancouver. Nous avons donc demandé au Ministère de faire part de ce problème à Bell Canada, qui publie les annuaires en question. Le Projet de refonte des pages bleues, mis sur pied par le SCT, avec la participation de TPSGC, et qui vise à assurer un accès à l'information plus précis et plus fiable, en tiendra compte également. À la fin de l'année, nous avons appris que Télé-Direct, une filiale de Bell Canada, avait accepté d'accentuer les majuscules dans les pages bleues en français. Les accents figureront dans le prochain annuaire de Moncton, qui paraîtra au printemps 1999. En ce qui concerne Montréal, Québec et Ottawa-Hull, Télé-Direct consulte chaque province visée avant d'y aller de l'avant.

Transports Canada. Des changements de procédure s'imposent pour assurer le traitement efficace des plaintes en question. À la fin de l'année, nous avons reçu une plainte concernant la langue de présentation des consignes de sécurité lors d'un vol à bord d'un transporteur canadien.

Les services dispensés à contrat, tels que la présentation des annonces d'embarquement et la signalisation dans les restaurants, ont donné lieu à 28 plaintes en 1998. Nous avons interrompu les enquêtes sur sept autres plaintes mettant en cause un aéroport régional récemment cédé, en attendant les résultats de discussions au sujet des répercussions linguistiques de tels transferts.

Les services de traversier fournis sur la Côte est ont fait l'objet de quatre plaintes que le Ministère a rapidement réglées. Quatre autres plaintes traitaient de questions relevant directement de Transports Canada, soit la langue d'administration de l'examen pour la dotation d'un poste au Québec, l'utilisation de la presse du groupe minoritaire, la qualité du texte français d'un avis bilingue et la langue de préséance d'un message téléphonique enregistré.

## TRAVAUX PUBLICS ET

## SERVICES GOUVERNEMENTAUX CANADA

Cette année, nous avons fait enquête à l'égard de 59 plaintes concernant Travaux publics et Services gouvernementaux Canada (TPSGC), soit neuf de moins qu'en 1997. Quarante-sept plaintes concernaient des services au public, comme les communications avec les médias, la sécurité, la correspondance, la signalisation, le service téléphonique, Internet et les inscriptions au répertoire téléphonique; huit avaient trait à la langue de travail et quatre, aux mesures de dotation. Nous avons également mené à bien deux enquêtes approfondies amorcées en 1996 au sujet de différents problèmes continus — l'exclusion d'hebdomadaires bilingues de la liste des journaux utilisée par les institutions fédérales pour placer des annonces au Québec et l'installation de systèmes d'exploitation et de logiciels en anglais seulement dans les ordinateurs du personnel.

Sept plaintes concernant la langue de service avaient trait à l'absence de services en français de la part d'agents de sécurité aux entrées d'immeubles fédéraux et sur la colline du Parlement pour y diriger les piétons et les véhicules pendant les travaux de construction. Selon le Ministère, l'entreprisse embauchée habituellement pour la prestation de services de sécurité n'a pas suffisamment d'employés bilingues pour répondre aux besoins à tous les sites. Pour remédier à la situation, TPSGC a pris diverses mesures. Ainsi, il a remis aux employés unilingues des fiches de rappel contenant des phrases clés en français et leur a dispensé une formation sur l'utilisation de ces fiches afin de répondre aux membres du public francophones en attendant l'aide d'un collègue bilingue. De plus, le Ministère a retenu les services d'autres agences de sécurité pour suppléer au manque d'employés bilingues.



## TRANSPORTS CANADA

La transformation de Transports Canada s'est poursuivie en 1998. Le Ministère a en effet continué à privatiser les aéroports du pays dans le cadre d'un programme qui doit s'achever en avril 2000. Parallèlement, il a commencé à mettre en œuvre les recommandations du Commissaire concernant les services de contrôle de sécurité avant l'embarquement. Transports Canada et le Commissariat ont examiné différentes façons d'améliorer les procédures de traitement des plaintes, dont le nombre a légèrement baissé, pour passer de 50 en 1997 à 48 cette année; toutes, sauf six, concernaient les services aux voyageurs.

Comme le soulignaient les précédents *Rapports annuels*, la loi adoptée en 1992 déclare que des parties clés de la *Loi sur les langues officielles* s'appliquent aux principaux aéroports canadiens, là où il existe une demande importante de service dans les deux langues, lorsque ces aéroports sont cédés à des administrations aéroportuaires indépendantes. Cette année, on a remis en question le maintien du service bilingue dans les aéroports régionaux et locaux désignés qui sont cédés. Le Commissaire craint les répercussions que de tels changements pourraient avoir sur les droits linguistiques. Des pourparlers étaient en cours à la fin de l'année en vue de clarifier la situation.

L'étude spéciale effectuée par le Commissaire en 1997 sur l'application des règlements régissant le contrôle de sécurité avant l'embarquement par Transports Canada comprenait plusieurs recommandations visant à modifier les lignes directrices du Ministère en ce qui touche les exigences linguistiques. Parmi les changements recommandés, mentionnons l'établissement d'une capacité bilingue minimale, la description d'un niveau acceptable de compétence en langue seconde pour les agents de sécurité bilingues et une définition de l'expression « service opportun ». En 1998, Transports Canada a soumis à l'examen des parties intéressées l'ébauche de nouvelles lignes directrices. Après en avoir pris connaissance, nous avons conclu qu'elles répondaient à certains des besoins cernés dans l'étude spéciale, mais qu'elles ne satisfaisaient pas aux recommandations concernant la capacité bilingue et le service opportun. Nous avons proposé d'autres modifications allant dans le sens des conclusions du rapport spécial. L'an prochain, nous entreprendrons un suivi de toutes les recommandations contenues dans ce rapport.

Entre-temps, les passagers des lignes aériennes ont rapporté neuf nouveaux cas d'absence de service dans leur langue lors du contrôle de sécurité avant l'embarquement, aux aéroports de Moncton, Montréal (Dorval), Sudbury, Winnipeg et Edmonton. Les entretiens amorcés avec des fonctionnaires de Transports Canada en vue d'améliorer les procédures de traitement des plaintes de cette nature se sont poursuivis.

Nous avons également poursuivi une revue des procédures d'enquête sur les plaintes au sujet de la langue de présentation des consignes de bord des transporteurs, cette question étant également assujettie aux règlements appliqués par

pour avoir déposé des plaintes relatives aux langues officielles contre la Société. Nous avons conclu que ces plaintes n'étaient pas fondées.

Une dizaine des 26 plaintes relatives à la langue de travail portaient sur divers instruments de travail; environ 80 p. 100 de ces plaintes provenaient d'employés d'expression anglaise de la région de Montréal. Nous avons reçu cinq plaintes analogues d'employés d'expression française du bureau de poste de Pointe-Claire. Ces plaintes ont été réglées à la satisfaction de toutes les parties, grâce à l'excellente collaboration des responsables de la Société canadienne des postes.

À fin de sensibiliser les gestionnaires et les superviseurs sur leurs responsabilités en matière de langue de travail, la Société a distribué un guide à ses employés, au siège social et dans les régions bilingues, pour les aider à atteindre leurs objectifs à cet égard.

Cette année, la Norme canadienne d'adressage a fait l'objet de quatre plaintes. Elle prescrit l'utilisation de l'adresse émanant de la municipalité et n'accepte que la traduction des mots « rue », « avenue » et « boulevard », lesquels figurent dans presque les deux tiers des adresses. La première plainte, déposée par une résidente d'expression anglaise établie en milieu rural à proximité de la municipalité bilingue de Grand-Saut (aussi officiellement appelée Grand Falls), au Nouveau-Brunswick, illustre bien la récurrence du problème. À la suite de changements causés par l'instauration du service d'urgence 911 dans le territoire de résidence de la plaignante, l'adresse de cette dernière a été changée de « Grand Falls » à « District de service local de Grand-Saut/Falls ». Puisque l'adresse de résidence de la plaignante n'est inscrite qu'en français auprès de la municipalité, la Société lui a fait parvenir sa nouvelle adresse en français. Cette plainte met en lumière un problème qui persiste depuis cinq ans, soit depuis que la Société a adopté la Norme canadienne d'adressage.

Une deuxième plainte au sujet de cette norme provenait d'une citoyenne d'expression française du Québec. La plaignante soutient que la norme dite « optimale », dont la Société encourage l'usage par les gros expéditeurs de courrier, ne respecte pas le génie de la langue française. Contrairement aux exigences énoncées dans le *Guide sur la Norme canadienne d'adressage* quant à la norme « courante », la norme dite « optimale » omet la ponctuation et n'utilise que des lettres majuscules et des abréviations, ce qui n'est pas conforme aux exigences de la langue française. À la fin de 1998, la Société a éclairci cette question en nous assurant que les gros expéditeurs de courrier peuvent bénéficier des tarifs préférentiels en utilisant soit la norme courante, soit la norme dite optimale. En outre, ils ont envoyé un rappel de cette ligne de conduite à leurs représentants commerciaux. Nous suivrons le dossier de près au cours de 1999.



En outre, nous avons constaté des faiblesses au chapitre des instruments de travail, des systèmes informatiques, des services centraux et personnels, des réunions et de la formation professionnelle.

Afin d'aider le pénitencier de Dorchester à corriger les problèmes relevés en cours d'enquête et de favoriser un milieu de travail propice à l'usage du français, le Commissaire a formulé 21 recommandations touchant notamment la diffusion de renseignements sur les droits et obligations en matière de langue de travail, l'inclusion de la composante « langue officielle » dans les objectifs opérationnels, la révision des exigences linguistiques des postes des surveillants et des gestionnaires, l'amélioration de la compétence linguistique des titulaires de postes bilingues, le respect des droits des employés dans les communications avec les gestionnaires, le maintien de l'acquis de la langue seconde, la tenue de réunions bilingues, ainsi que la disponibilité d'instruments de travail, de services centraux et personnels, et la formation professionnelle dans les deux langues officielles. Le SCC a accepté ces recommandations et s'est engagé à les mettre en œuvre.

## SOCIÉTÉ CANADIENNE DES POSTES

La Société canadienne des postes a fait l'objet de 94 plaintes en 1998, comparativement à 88 l'an dernier. Pour la première fois, nous n'avons pas effectué d'enquête de grande envergure amenant le Commissaire à faire des recommandations officielles à la Société. Nous remarquons avec plaisir que le service dans les deux langues s'est amélioré depuis que la Société consulte régulièrement les représentants des communautés minoritaires de langue officielle.

Environ les deux tiers des plaintes reçues concernaient la langue de service au public; près de 64 p. 100 d'entre elles touchaient l'absence de service en personne et dans les communications écrites. Le service au public dans les deux langues officielles était meilleur aux comptoirs de la Société que dans les bureaux de poste franchisés. En effet, plusieurs plaintes portaient sur l'absence de service en français dans des bureaux franchisés de la RCN, dont trois au centre-ville d'Ottawa. Les bureaux franchisés représentent environ 39 p. 100 des bureaux désignés pour offrir le service dans les deux langues officielles, mais comptent pour 68 p. 100 des plaintes liées à la langue de service. Afin de remédier à cette situation, la Société a envoyé plusieurs rappels aux exploitants de franchisés sur leurs obligations linguistiques, par un avis paru dans sa publication *Infopost*, par exemple en ce qui a trait à l'offre active des services dans les deux langues.

Les autres plaintes concernaient, d'une part, la langue de travail et, d'autre part, les exigences linguistiques et les modes de dotation de postes à combler. Deux de ces plaintes émanaient d'employés alléguant qu'ils faisaient l'objet de discrimination

semblables (pour un total de 44) concernant, entre autres, la langue des ordonnances médicales, des programmes de réhabilitation, des communications écrites remises aux détenus ou affichées sur les babillards et des annonces diffusées par haut-parleur. Les détenus ont également déposé sept plaintes supplémentaires concernant diverses situations.

Notre enquête, qui a porté sur 51 plaintes, a révélé que plus du tiers d'entre elles (19) n'étaient pas fondées. Des correctifs ont été apportés immédiatement pour huit des 32 autres plaintes. Des étiquettes bilingues figurent maintenant sur les médicaments sans ordonnance, et un système automatisé a été mis sur pied pour imprimer sur le formulaire approprié la liste des articles appartenant aux détenus, et ce dans la langue de leur choix. Quant aux autres plaintes, nous avons noté que les communications écrites remises aux détenus étaient rédigées dans leur langue et que les avis ou notes affichés sur les babillards de l'établissement existaient dans les deux langues officielles. Cependant, certains détenus ont porté à notre attention quelques exemples de communications écrites qui n'étaient pas dans leur langue. Afin d'éviter ce genre de problèmes, la direction de l'établissement de Donnacoona s'est engagée à diffuser des rappels réguliers à tous ses employés concernant leurs obligations linguistiques. De plus, un système informatisé pour les annonces faites par haut-parleur sera installé d'ici mars 1999 afin de permettre la diffusion de messages bilingues. Nous effectuerons un suivi dans quelques mois.

Par ailleurs, nous avons mené une enquête sur deux plaintes provenant d'employés du SCC qui travaillaient au pénitencier de Dorchester (Nouveau-Brunswick). Ces personnes déclaraient que leur milieu de travail n'était pas propice à l'usage du français et qu'elles ne pouvaient pas être supervisées dans la langue officielle de leur choix. Elles ajoutaient que les communications verbales et écrites de même que les réunions avec leurs surveillants se déroulaient en anglais seulement et que la formation professionnelle et les manuels de travail n'étaient pas toujours disponibles en français.

Notre enquête a démontré que ces plaintes étaient fondées. Les gestionnaires et les employés du pénitencier connaissaient peu ou mal leurs droits et leurs obligations en matière de langue de travail. De plus, certains surveillants ne connaissaient ni la préférence linguistique de leurs employés ni le nombre d'employés sous leur surveillance occupant des postes bilingues. Les gestionnaires, à quelque échelon que ce soit, n'étaient pas tenus d'inclure dans leurs objectifs opérationnels la composante relative à la langue de travail.

En ce qui concerne les communications entre les employés et leurs superviseurs, nous avons noté qu'elles ne pouvaient pas toujours avoir lieu dans la langue de l'employé en raison des connaissances insuffisantes en français de certains surveillants et gestionnaires et du nombre limité de postes bilingues. De plus, des surveillants que nous avons rencontrés ont manifesté le désir de participer à des activités leur permettant de maintenir leur niveau de compétence linguistique dans l'autre langue officielle.

En mai, le Ministère a mis sur pied un comité chargé de revoir tous les éléments de son programme des langues officielles. La création de ce comité s'inscrivait dans le cadre d'une initiative d'envergure, soit l'examen des politiques et des pratiques actuelles en prévision de la transformation du Ministère en l'Agence des douanes et du revenu. Le comité était formé de gestionnaires et d'employés de bureaux de Revenu Canada de toutes les régions du pays. Ses membres ont soumis au Comité des ressources humaines du Ministère des observations et des recommandations notamment sur la formation linguistique, les exigences linguistiques des postes et l'obligation de rendre compte du programme. Les résultats de cet exercice devraient être diffusés au début de 1999. Des représentants du Commissariat, d'organismes centraux et d'associations communautaires des minorités de langue officielle ont été invités à assister aux réunions à titre d'observateurs. Nous félicitons le comité de Revenu Canada pour le sérieux dont il a fait preuve en examinant en profondeur la gestion et l'exécution du programme des langues officielles.

Au cours de l'année, nous avons discuté avec des fonctionnaires du Ministère des progrès accomplis dans la mise en œuvre des cinq recommandations contenues dans le rapport d'enquête sur la langue de travail que nous avons remis en 1997 à la Direction générale de la technologie de l'information (DGTI). Bien que des mesures aient été prises pour promouvoir l'utilisation des deux langues officielles lors de réunions, aucun mécanisme de surveillance n'a été instauré. Un autre sondage permettra d'obtenir du personnel d'importants renseignements concernant l'utilisation équitable et appropriée du français au travail. Nous encourageons fortement la DGTI à accélérer la mise en œuvre des recommandations du Commissaire.

**SERVICE CORRECTIONNEL DU CANADA**

Revenu Canada a également pris des mesures correctives à l'égard d'un autre cas mentionné l'année dernière. Le Commissaire avait recommandé l'examen des exigences linguistiques des postes dans deux divisions du Bureau des services fiscaux de Toronto (BSFT). Revenu Canada a élargi la portée de cet examen pour assurer une capacité bilingue à tous les échelons de chaque division du BSFT. Au moment de mettre sous presse, les fonctionnaires régionaux élaboraient un plan d'action afin de régler les questions soulevées lors de notre enquête, y compris celles qui concernent les exigences linguistiques des postes.

Le Service correctionnel du Canada (SCC) a fait l'objet de 93 plaintes en 1998, soit 53 de plus que l'an dernier. La grande majorité de ces plaintes (76) touchaient la langue de service et provenaient de détenus d'expression française au Nouveau-Brunswick et de détenus d'expression anglaise au Québec qui estimaient que leurs droits linguistiques avaient été lésés.

L'augmentation générale du nombre de plaintes provient surtout du fait que quelques détenus d'expression anglaise de l'établissement de Donnacoma au Québec ont déposé 11 plaintes

nécessité de revenir constamment à la charge. Toutefois, en janvier 1999, le Ministère nous a fourni un plan d'action visant à donner suite aux dix recommandations du rapport de suivi. Revenu Canada prend ainsi les premières mesures importantes pour s'attaquer à des questions non résolues depuis longtemps dans l'ensemble des six installations, par exemple l'offre active de service dans les deux langues officielles aux postes frontaliers.

*Près du tiers des plaintes déposées cette année portaient sur l'absence de services douaniers en français dans six provinces. Le Ministère doit prêter une plus grande attention à la prestation de services dans les deux langues officielles aux installations douanières désignées dans l'ensemble du pays. Il incombe à celles-ci de refléter la dualité linguistique du Canada dans leurs rapports avec les citoyens qui reviennent de l'étranger et avec les visiteurs.*

Le plan prévoit l'élaboration d'une stratégie de recrutement globale en vue d'augmenter la capacité bilingue à ces endroits. Le Ministère adoptera également des mesures de contrôle. Nous suivrons de près la mise en œuvre de ce plan au cours de la prochaine année afin de nous assurer que le public voyageur reçoit, en tout temps, des services en français et en anglais.

Les voyageurs ont également eu des difficultés à obtenir des services en français aux installations douanières d'autres postes frontaliers de l'Ontario, y compris ceux qui se trouvent près de la région de la capitale nationale. Les problèmes soulevés à ces endroits étant semblables à ceux dont fait état notre rapport de suivi, nous en avons discuté avec des gestionnaires supérieurs en vue de trouver une solution. En février 1999, ces derniers nous ont fait parvenir des plans d'action pour chacun de ces postes frontaliers, dont certains permettent d'espérer que l'on résoudra les problèmes. Ainsi, on sollicitera l'aide des communautés minoritaires de langue officielle pour assurer au personnel une formation qui lui permettra d'offrir un meilleur service aux voyageurs. Nous entendons suivre de près les résultats de ces initiatives prévues au cours de la prochaine année.

La moitié des 48 plaintes concernant le personnel des services fiscaux se rapportaient aux services offerts en personne ou par téléphone et étaient dues à des lacunes telles qu'une insuffisance de personnel qualifié dans les deux langues officielles dans un bureau donné. La majorité (21) des autres plaintes provenaient de contribuables qui n'avaient pas obtenu des documents dans la langue officielle de leur choix, en raison, la plupart du temps, d'une simple erreur humaine. Nous suivons ce dossier de près afin de nous assurer que les mesures correctives voulues seront apportées. Les trois autres plaintes concernaient diverses questions comme les communications avec les médias et la signalisation.



nos propres concitoyens. Le Ministère s'est engagé à mettre en œuvre la recommandation et a procédé à l'établissement de normes et de règles de procédure.

Toutefois, en août, nous avons dû porter à l'attention du Ministère une autre plainte de même nature. Il s'agissait de la conférence de presse tenue en anglais seulement par l'Association canadienne des Jeux du Commonwealth lors de la présentation du porte-drapeau; ces Jeux ont eu lieu en septembre à Kuala Lumpur en Malaisie. Le Commissaire ne pouvait passer sous silence ce deuxième incident, d'autant plus qu'il s'agissait d'une répétition de la situation déplorée lors des Jeux de Nagano. Il a exprimé au Ministère sa vive inquiétude quant au manque de leadership voulu pour assurer le respect de la dualité linguistique lors d'événements de ce genre et il lui a demandé de prendre des mesures immédiates pour que les autres activités des Jeux se déroulent dans les deux langues officielles.

Le ministère du Patrimoine canadien a pris les mesures ponctuelles qui s'imposaient. Aux mécanismes mis en place pour s'assurer que les diverses associations sportives auxquelles il apporte une aide financière respectent les exigences en matière de langues officielles dans le cadre de leurs activités, il en a établi d'autres permettant un meilleur contrôle de l'aspect linguistique. En particulier, il a demandé aux associations responsables de la participation de la délégation canadienne à de tels événements de lui fournir à l'avance un plan d'action faisant état des mesures prévues à l'égard des langues officielles. Le Ministère a également organisé en fin d'année un atelier de travail regroupant ces associations et d'autres organisations nationales pour les informer des pratiques et des mesures pouvant les aider à offrir leurs services dans les deux langues officielles. Nous avons été invités à cette rencontre. Le Ministère s'est aussi fixé comme objectif de s'assurer qu'avant la fin de l'exercice financier, ses organismes clients auront adopté des politiques et des mécanismes afin d'améliorer la prestation de leurs services dans les deux langues officielles.

La partie III.1b) du présent *Rapport annuel* portant sur le service au public décrit d'autres situations sur lesquelles nous avons enquêté au cours de l'année.

L'an dernier, nous avons fait état d'une enquête sur deux plaintes concernant les services au téléphone offerts par une société retenue par le Ministère pour effectuer un sondage auprès des associations francophones. Ce sondage visait à évaluer les ententes signées par le gouvernement fédéral avec les gouvernements provinciaux et territoriaux en matière de langues officielles. Les plaintes portaient aussi sur la piètre qualité du français dans certains documents envoyés au public. Le Commissaire avait recommandé au Ministère de mettre en place des mesures de contrôle afin de vérifier la qualité linguistique des services offerts par des tiers pour son compte, oralement et par écrit. Au cours de l'année, Patrimoine canadien a rappelé à tous ses employés les obligations de nature linguistique touchant les services offerts par des tiers.

## REVENU CANADA

En outre, nous avons suggéré au Ministère d'examiner l'aspect linguistique des contrats dans le cadre d'une évaluation interne afin de déceler les lacunes et de prendre les mesures correctives appropriées. Le Ministère a retenu notre suggestion et prévoit effectuer une telle évaluation au cours de l'année financière 1998-1999. Il a aussi revu sa politique interne concernant l'octroi de contrats afin que la clause linguistique soit plus précise que celle de nature générale utilisée jusqu'ici. De plus, Patrimoine canadien a ajouté un volet « langues officielles » au cours de formation qu'il donne à son personnel responsable de l'attribution de contrats.

Patrimoine canadien jouant un rôle important dans la mise en œuvre de la Partie VII de la *Loi*, nous avons analysé son plan d'action annuel à cet égard. Le Ministère y a apporté certaines améliorations en ajoutant une section décrivant les objectifs de chacun de ses grands secteurs et en précisant les mesures prises pour encadrer les activités prévues. Cependant, d'autres améliorations s'imposent, notamment en ce qui concerne la manière dont les objectifs seront atteints et les échéanciers, qui ne sont pas toujours indiqués. De plus, les mesures de contrôle sont parfois imprécises ou tout simplement absentes. Par contre, le Ministère a pris certaines initiatives et adopté des mesures afin de mieux s'acquitter de ses responsabilités comme chef de file dans ce domaine. Par exemple, il a élaboré, en collaboration avec certains ministères, des mécanismes pour évaluer la mise en œuvre de la Partie VII, préparé un document d'orientation qui servira à donner un nouvel essor à cette mise en œuvre et analysé les politiques et initiatives gouvernementales. Nous l'en félicitons.

Les plaintes faisaient état de faiblesses dans deux secteurs d'activité du Ministère : les communications écrites et téléphoniques, surtout avec le personnel des services fiscaux (48 plaintes), et les services fournis en personne auprès des voyageurs aux postes frontaliers, principalement en Ontario, mais également dans cinq autres provinces (24 plaintes).

Les services douaniers sont le talon d'Achille de Revenu Canada pour ce qui est du respect de la *Loi sur les langues officielles* et ils ont fait l'objet d'un important suivi pendant l'année. Nos efforts pour obtenir une réponse satisfaisante au rapport de suivi de l'étude spéciale que nous avons menée en juin 1997 sur la prestation de services dans les deux langues officielles à six installations douanières dans le sud de l'Ontario n'ont pas connu beaucoup de succès en raison de retards prolongés et de la



application de la *Loi sur les conventions* avec la ville de Mississauga, conformément aux exigences de la Partie VII de la *Loi sur les langues officielles*. Le Ministère a fait valoir qu'il considérait cette consultation superficielle puisque la *Loi sur les tribunaux judiciaires* de l'Ontario, qui protège les droits linguistiques des accusés, s'applique dans le cas des infractions relatives au stationnement. Ces droits ne sont pas identiques à ceux prévus au Code criminel. Toutefois, Justice Canada aurait pu éviter les problèmes posés par l'omission d'une clause linguistique dans l'accord originel avec la ville de Mississauga s'il avait consulté la communauté minoritaire de langue officielle. De telles consultations permettent de cerner les besoins et les préoccupations des communautés et d'en tenir compte.

## PATRIMOINE CANADIEN

Le ministère du Patrimoine canadien a fait l'objet de 40 plaintes cette année, soit une diminution de trois par rapport à l'an dernier. Trente-quatre (85 p. 100) d'entre elles touchaient la langue de service au public; quatre, la publication d'annonces et d'avis dans les journaux; et deux, la promotion du français et de l'anglais.

Cette année, 17 des 40 plaintes mettaient en cause Parcs Canada, soit 10,5 p. 100 de moins que l'an dernier (19 plaintes). À une exception près, les plaintes de cette année étaient toutes liées au service au public. Elles soulevaient, entre autres, les lacunes relevées dans divers sites historiques et parcs nationaux où les préposés au service dans des terrains de camping, un centre d'information, un restaurant et une boutique de souvenirs ne pouvaient s'exprimer en français.

La loi créant un nouvel organisme parapublic responsable de la gestion des parcs et des sites historiques canadiens a été sanctionnée à la fin de l'année. Comme nous l'avons indiqué dans notre *Rapport annuel 1997*, cette loi stipule que l'organisme est assujéti à la *Loi sur les langues officielles*.

Nous avons reçu trois plaintes cette année concernant des événements sportifs d'envergure et mettant en cause des associations de sport amateur. Deux de ces plaintes concernaient les cérémonies de présentation des athlètes canadiens qui se sont déroulées presque exclusivement en anglais aux Jeux olympiques d'hiver à Nagano en février. Cette situation a eu des échos dans les médias et le président de l'Association olympique canadienne a été convoqué par le Comité mixte permanent des langues officielles. Malgré les excuses formulées par le président et l'engagement du Ministère à revoir le dossier avec les représentants de l'Association olympique canadienne, le Commissaire a recommandé à Patrimoine canadien de mettre en place, avant la fin de l'année, un mécanisme de contrôle pour s'assurer, en ce qui concerne des événements sportifs d'envergure nationale et internationale, que la dimension linguistique soit prise en considération avant que l'événement n'ait lieu. Ce genre d'événement revêt une importance particulière en raison de l'image du Canada qui est projetée à l'étranger ainsi qu'après de

en application de la *Loi sur les conventions* avec une autorité provinciale ou territoriale; de voir à ce que la procédure de poursuite des infractions fédérales par des autorités provinciales ou toute tierce partie (p. ex., une municipalité) respecte les droits linguistiques garantis par le Code criminel et la *Loi sur les langues officielles*, selon le cas; de veiller à ce que les accords de mise en application de la *Loi sur les conventions* renferment des dispositions assurant le respect des droits linguistiques de l'accusé par le personnel du tribunal chargé des services d'administration et de soutien; de s'assurer que toute sous-délégation soit soumise à l'approbation du Ministère et comprenne une clause explicite et exhaustive de protection des droits linguistiques; de mettre en place, en ce qui concerne le Projet sur les conventions, des mécanismes propres à assurer le respect des droits linguistiques garantis par le Code criminel.

Lors du suivi de ces recommandations, nous avons appris que Justice Canada avait consulté diverses associations de juristes et adopté des mécanismes pour s'assurer que les provinces, les territoires et les municipalités qui ont conclu ou concluront des accords de mise en application de la *Loi sur les conventions* respectent les dispositions du Code criminel. Toutefois, contrairement à notre point de vue, le Ministère maintient que les provinces (l'Ontario, dans le cas à l'étude) n'agissent pas pour le compte du gouvernement du Canada au regard de l'exécution de la *Loi sur les conventions* et que, par conséquent, l'article 25 de la *Loi sur les langues officielles* ne s'applique pas; les provinces sont du même avis. Le Ministère n'a ainsi donné suite qu'à une partie de nos recommandations. Insatisfait des mesures de suivi prises par le Ministère dans ce dossier, le plaignant a demandé au Commissaire de s'adresser à la Cour fédérale pour régler la question, comme le prévoit la *Loi sur les langues officielles*. Le Commissaire a acquiescé à sa demande.

Par ailleurs, nous enquêtons actuellement sur une plainte relative à l'absence de clause linguistique dans l'accord de juin 1997 sur la mise en application de la *Loi sur les conventions* conclu entre le gouvernement fédéral et la ville de Mississauga quant au traitement des contraventions et du recouvrement d'amendes pour stationnement illégal sur le territoire de l'aéroport international Lester-B.-Pearson. Notre enquête a révélé que le renouvellement de l'accord avec la ville de Mississauga pour une période additionnelle d'un an renferme maintenant une clause obligeant la ville à offrir les services d'un procureur bilingue pour toute instance bilingue. Cependant, l'accord n'assure pas le respect des droits linguistiques du public dans ses rapports hors du contexte des procès, notamment avec le bureau du procureur, comme le prévoit la Partie IV de la *Loi sur les langues officielles*, et ne garantit pas les droits linguistiques protégés par le Code criminel.

L'auteur de la plainte déplore également que Justice Canada n'ait pas consulté la communauté francophone (notamment ses associations de juristes) avant de conclure un accord de mise en

Le ministère de la Justice a fait l'objet de 11 plaintes cette année. L'une d'elles concernait la formation professionnelle; les autres avaient trait à Internet, aux communications écrites, aux annonces dans les médias, à la langue de travail et à la dotation en personnel.

La plainte liée à la formation portait sur l'égalité d'accès à un cours de formation professionnelle qui, selon l'auteur, était offert par le Ministère en anglais seulement. Le cours en question était un atelier s'inscrivant dans une série échelonnée sur une période de deux ans. Le Ministère nous a avisés que les cours prévus pour cette période étaient dispensés en anglais d'abord, puis en français à une date ultérieure. Le Ministère a convenu d'indiquer dans son programme de formation que la série de cours était répartie sur une période de 24 mois, au cours de laquelle tous les cours seraient offerts dans les deux langues officielles. Le Commissaire a recommandé que le Ministère prenne les mesures voulues pour s'assurer que tous les cours offerts dans une langue le soient également dans l'autre dans un laps de temps raisonnable et que le Ministère dispense certains cours en français d'abord afin d'encourager la participation des employés francophones. Le Ministère a pris les mesures qui s'imposent.

Cette année, nous avons effectué le suivi d'une enquête sur une plainte liée à la *Loi sur les conventions*. Nous avions conclu que les droits linguistiques garantis en vertu des dispositions du Code criminel (ceux liés au déroulement des procès) et de la Partie IV de la *Loi sur les langues officielles* (ceux ayant trait aux communications avec le bureau du procureur hors du contexte des procès) n'étaient pas protégés. La *Loi sur les conventions*, qui prévoit la mise en place d'un mécanisme de traitement des conventions comme solution de rechange aux procédures plus complexes établies par le Code criminel, autorise le traitement des conventions fédérales dans le cadre des systèmes provinciaux et territoriaux de règlement des infractions (l'Ontario, dans le cas à l'étude). Notre suivi a révélé que le régime linguistique de l'Ontario offre moins de protection des droits en matière de langue minoritaire. En outre, nous avons constaté que ni la *Loi sur les conventions* ni les accords conclus en vue de son application ne renferment de disposition garantissant la protection des droits linguistiques du public dans ses rapports avec le bureau du procureur hors du contexte des procès. Nous avons aussi constaté qu'en ce qui concerne le Projet sur les conventions, Justice Canada n'a pas pris toutes les mesures voulues pour respecter ses obligations en vertu de la Partie VII de la *Loi*, à savoir favoriser l'épanouissement des communautés minoritaires de langue officielle et promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne.

Le Commissaire a recommandé à Justice Canada de consulter la communauté minoritaire de langue officielle et les juristes intéressés avant de conclure tout accord de mise

les bureaux régionaux d'Industrie Canada et gère une unité de travail bilingue. Le Ministère estime qu'il est important que le directeur puisse aborder tous les aspects du travail avec un degré maximal de compétence, particulièrement les questions délicates d'ordre provincial et territorial. Pour Industrie Canada, le fait d'être en mesure de fournir des services dans les deux langues officielles en tout temps a d'importantes répercussions sur le plan opérationnel et justifie par conséquent la dotation impétrative.

Selon le Commissaire, les arguments du Ministère s'appliquent aux exigences linguistiques du poste et non au mode de dotation. Le Ministère cherche en fait à constituer un bassin de EX qualifiés sur le plan linguistique plutôt qu'à définir les besoins linguistiques, cas par cas. Dans notre rapport final, nous avons fait savoir au Ministère que nous maintenions notre recommandation.

#### Commission canadienne du tourisme

En 1998, nous avons instruit 10 plaintes concernant la Commission canadienne du tourisme (CCT). De ce nombre, 5 avaient trait à divers articles tels que tee-shirts, cotons ouats, casquettes de baseball et produits du sipot d'étable, annoncés dans une brochure intitulée *Le Catalogue du Canada*, qui porte le symbole graphique de la CCT avec l'inscription « *Official Licensed Product* ». Le catalogue contient également une lettre du président de la Commission expliquant que la brochure annonce des produits canadiens fabriqués sous licence qui font la promotion de tout le Canada. Le texte du catalogue est entièrement en français, à l'exception des produits du sipot d'étable, mais aucun des autres produits ne porte un nom français. Nous y avons trouvé des expressions comme « *Great Canadian Adventures* », « *Live Legacy* », « *Rediscover Canada* », « *True North* », « *Genuine Canadian* », « *Explore our World* » et bien d'autres.

Étant donné que le catalogue prétend offrir des produits représentant toutes les régions du Canada, nous estimons que la CCT, lorsqu'elle fait la promotion de produits canadiens, devrait s'assurer que les articles présentés reflètent également la dualité linguistique canadienne. En négligeant cet aspect, la Commission a contrevenu à l'esprit de la Partie IV et de la Partie VII de la *Loi sur les langues officielles*. Le Commissaire a recommandé que la Commission canadienne du tourisme mette tout en œuvre pour inclure dans son catalogue des produits qui reflètent la dualité linguistique et le patrimoine francophone du Canada,

conformément à l'esprit de la *Loi*.

Cinq autres plaintes concernaient des annonces parues dans des journaux anglais, en Saskatchewan, sans qu'il n'y ait eu d'équivalent dans les médias francophones de la province. La Commission a soutenu que ces annonces avaient été placées par un consortium d'organisations touristiques de l'Ouest canadien dont elle n'est qu'un partenaire et qui n'est pas assujéti à la *Loi*. À la fin de l'année, nous étions toujours en train de discuter de cette question avec l'institution.



## INDUSTRIE CANADA

Le ministère de l'Industrie appuie le développement des entreprises canadiennes grâce à ses propres programmes et à un réseau de partenaires régionaux, comme le ministère de la Diversification de l'économie de l'Ouest et l'Agence de promotion économique du Canada atlantique. Plusieurs organismes de service spécial, dont la Commission canadienne du tourisme, rendent compte au Parlement par l'intermédiaire du ministre de l'Industrie.

En 1998, nous avons fait enquête à l'égard de 27 plaintes déposées contre le Ministère, dont 10 concernaient diverses campagnes publicitaires menées par la Commission canadienne du tourisme (CCT).

Nous avons procédé à une enquête approfondie afin de déterminer si les exigences linguistiques et le mode de dotation de quatre postes de cadre dans le Secteur des opérations d'Industrie Canada avaient été déterminés avec objectivité. Ces postes étaient les suivants : directeur, Développement organisationnel; directeur, Prêts aux petites entreprises; directeur, Opérations (région de la capitale nationale); et directeur, Planification, analyse et affaires publiques (Montréal). Le plaignant contestait les compétences linguistiques supérieures requises pour deux postes, y compris celui à Montréal, et le fait que l'admissibilité aux quatre postes était limitée aux candidats répondant déjà aux exigences linguistiques (dotation impérative).

Pendant notre enquête, nous avons examiné les exigences linguistiques et le mode de dotation à la lumière des fonctions des quatre postes. Nous avons également tenu compte des exigences de la Partie IV de la Loi sur les langues officielles, portant sur les communications avec le public et la prestation des services, et de la Partie V, qui confère aux fonctionnaires fédéraux le droit explicite de travailler dans l'une ou l'autre langue officielle dans les régions désignées bilingues à cette fin, sous réserve des obligations relatives à la langue de service, des responsabilités en matière de supervision et d'autres facteurs.

Sur la foi de l'information obtenue dans le cadre d'entrevues et de notre analyse des descriptions d'emploi des quatre postes, nous avons conclu que les exigences linguistiques définies pour les quatre postes (bilingues au niveau intermédiaire ou supérieur) étaient objectivement nécessaires pour l'exercice des fonctions. Dans trois cas, nous avons également constaté que la dotation impérative s'imposait. Cependant, nous n'avons pu confirmer le bien-fondé de la dotation impérative pour le poste de directeur, Développement organisationnel. Le Commissaire a recommandé que le Secteur des opérations d'Industrie Canada révise, d'impérative à non impérative, la dotation du poste de directeur du Développement organisationnel.

Industrie Canada n'est pas d'accord avec notre recommandation. Le Ministère soutient que le directeur du Développement organisationnel doit être parfaitement bilingue immédiatement parce que le titulaire travaille avec les gestionnaires de service et

GRC gardait la haute main sur l'image que reflétaient divers produits fabriqués et vendus par des entreprises du secteur privé. Nous avons convenu qu'il n'était pas nécessaire que certains articles conçus dans une langue en particulier, comme les livres et les cassettes vidéo, portent l'insigne de la GRC dans les deux langues officielles. Les représentants de la GRC ont convenu que les articles ayant donné lieu à la plainte initiale — des cartes postales représentant des membres de la GRC devant les édifices du Parlement — devraient représenter la Gendarmerie dans les deux langues officielles. Ils se mettront en rapport avec les fabricants et les détaillants pour voir à ce que tous les articles de papeterie témoignent plus clairement de la représentation de la GRC dans les deux langues. Nous avons également appris qu'il existe un large éventail d'articles (vêtements, articles de sport, cadeaux et objets de collection, par exemple) pour lesquels l'insigne de la GRC peut être soit bilingue, soit dans l'une ou l'autre des langues officielles, selon le marché. La GRC nous a assurés que tous les articles vendus dans l'ensemble de ses cantines et clubs sociaux, ainsi que ceux qui sont remis en tant que cadeaux officiels, refléteront la représentation de la Gendarmerie dans les deux langues. En 1999, nous allons suivre de près ce dossier, qui porte sur une importante question symbolique, afin de nous assurer que la GRC donne suite à la recommandation du Commissaire voulant que le Guide du style du Programme de concession de licences, qui entrera en vigueur en l'an 2000, précise que seules officielles du nom ou de l'acronyme de la GRC à partir du 1<sup>er</sup> mars 2000.

Lors de la parution du Rapport annuel 1997, nous attendions les commentaires de la GRC sur le rapport provisoire publié à la suite de notre étude sur les langues officielles et la carrière des membres réguliers au sein de la GRC. Nous les avons reçus en 1998 et en avons tenu compte dans notre rapport final. Nous avons constaté avec satisfaction que la GRC avait déjà pris des mesures pour mettre en œuvre certaines des recommandations visant à faciliter des possibilités équitables de carrière pour les membres des deux groupes linguistiques. Par exemple, la GRC mène un examen exhaustif des langues officielles dans le but de mettre à jour toutes les désignations linguistiques des postes. Elle offre aussi en priorité, dans le cadre de divers programmes, des possibilités de formation linguistique aux membres qui doivent apprendre la seconde langue officielle, au besoin, afin de s'acquitter de leurs fonctions.

Nous avons reçu en juin une plainte d'un ancien membre de la GRC alléguant que son rendement au travail n'avait pas été évalué avec équité et qu'il avait perdu son emploi parce que ses supérieurs jugeaient insuffisante sa connaissance de l'anglais, sa seconde langue officielle. Nous avons mené une enquête approfondie à l'égard de ces allégations et, à la fin de l'année, notre rapport était en cours de rédaction.



concernaient la langue des services offerts au public; 4 portaient sur la langue de travail; 8 sur les exigences linguistiques et les modes de dotation de postes; une sur la participation équitable des deux groupes linguistiques; et une concernait l'étude mentionnée ci-dessus au sujet des répercussions sociales et économiques de la restructuration sur la communauté franco-manitobaine de Saint-Pierre-Jolys.

Le fait que le nombre de plaintes sur les services au public dans les deux langues officielles ait plus que doublé tient essentiellement aux services de patrouille routière dans les régions où la demande est importante. Nous avons terminé notre enquête à l'égard de deux plaintes concernant la patrouille routière de Rivière de la Paix (Alberta), l'une déposée en 1996 et l'autre, en 1998. Nous avons entrepris d'établir la nature des obligations linguistiques de la GRC en vertu de la *Loi sur les langues officielles* lorsque ce corps policier assure le respect des lois provinciales, et de déterminer si une auto-patrouille est un « bureau » aux fins de la Partie IV de la *Loi*. Nous avons conclu que la GRC continue d'avoir des obligations en vertu de la *Loi* quand elle exerce des fonctions de police provinciale. Le Commissaire a fait deux recommandations voulant que la GRC veille à ce que non seulement l'unité de patrouille routière de Rivière de la Paix mais toutes les unités de patrouille des services dans les deux langues officielles lorsqu'elles travaillent dans les aires de service de bureaux désignées comme faisant l'objet d'une demande importante.

Nous avons également conclu que, lorsqu'une contravention en anglais seulement est remise à un automobiliste d'expression française en vertu d'une loi provinciale, la Partie IV de la *Loi* exige que la GRC explique, en français, le contenu et les conséquences juridiques de la contravention. La GRC soutient que « l'égalité dans la prestation de services dans les deux langues officielles constitue une impossibilité virtuelle » et que la direction mise en cause en Alberta « continuera de faire les efforts nécessaires pour donner suite aux recommandations [Notre traduction] Contrairement à ce que laisserait croire le grand nombre de plaintes reçues concernant les services de patrouille routière fournis dans une seule langue, la GRC a affirmé qu'elle avait déjà commencé à donner suite à nos recommandations. Le Commissaire maintient sa position à l'effet que la GRC a des obligations linguistiques en vertu de la *Loi* lorsqu'elle fait appliquer les lois provinciales et qu'une auto-patrouille constitue un bureau aux fins de la Partie IV de la *Loi*.

Nous avons également terminé notre enquête concernant trois plaintes relatives à divers produits fabriqués en vertu du Programme de concession de licences de la GRC, comme des cartes postales et des vestes, portant une inscription de la GRC en anglais seulement. Notre enquête visait à déterminer la façon d'assurer le respect du principe de l'égalité de statut pour les deux langues officielles dans un marché libre. Nous avons conclu que la

Le Ministère a confié à l'agent ou au comité de révision le soin de s'assurer que la préférence linguistique des employés est respectée lors des évaluations de rendement, donnant ainsi suite à la recommandation relative à l'établissement d'un système de contrôle à cet égard. Par ailleurs, il a aussi recommandé aux services et aux régions de mettre en place les mécanismes appropriés pour veiller au plein respect de leurs obligations à ce sujet.

**GENDARMERIE ROYALE DU CANADA**

En 1998, la Gendarmerie royale du Canada (GRC) a poursuivi sa restructuration administrative prévoyant la fusion de petites unités à des divisions de plus grande envergure. La GRC compte désormais 14 divisions, dont 12 suivent les limites provinciales et territoriales. Ces divisions seront regroupées en 5 régions, chacune incluant plus d'une province ou d'un territoire.

Nous avons exprimé des réserves au sujet des aspects linguistiques de cette restructuration, particulièrement en ce qui a trait à la fusion des divisions « C », « O » et « A » (Québec, Ontario et RCN) et à la création d'une nouvelle région de l'Atlantique qui unira le Nouveau-Brunswick aux trois autres provinces. Il est possible qu'il soit plus difficile de travailler en français au Québec et au Nouveau-Brunswick dans ces régions élargies, et le service au public pourrait en souffrir par suite de cette restructuration. Nous avons donc amorcé une étude sur cette question et sur d'autres restructurations en cours au sein de la GRC. Nous en traitons plus en détail dans la présente partie, section h) ii).

Au Manitoba, la restructuration a déjà entraîné la fermeture de certains détachements ou une réduction de l'effectif des plus petits détachements à cause de mutations vers les détachements centraux. La GRC réorganise des sous-divisions à l'intérieur de districts plus importants, de qui relèvent dorénavant un plus grand nombre de détachements. Des membres de la communauté franco-manitobaine s'inquiètent de ce que les services en français soient moins disponibles et plus éloignés des communautés avec les communautés touchées par ces grandes réorganisations. Nous avons fait enquête au sujet d'un tel cas impliquant le détachement de Saint-Pierre-Jolys.

À la suite de notre enquête, il a été annoncé en novembre que le processus de restructuration en cours dans le sud de la province serait suspendu en attendant la tenue de consultations avec des représentants de la communauté franco-manitobaine.

En 1998, nous avons fait enquête à l'égard de 56 plaintes visant la GRC, soit deux fois plus qu'en 1997 (26); 42 plaintes

## ENVIRONNEMENT CANADA

En 1998, nous avons fait enquête sur 11 plaintes mettant en cause Environnement Canada, comparativement à 21 en 1997. Sept d'entre elles portaient sur des communications avec le public au téléphone, par écrit, ou par voie électronique. Les autres touchaient le mode de dotation d'un poste; la disponibilité, en anglais seulement. Un site équivalait en français devant voir le jour avant la fin de 1998, mais notre suivi a démontré que tel n'était pas le cas. Nous poursuivons donc nos démarches auprès du Ministère.

La parution en anglais seulement de la publication ministérielle *ComproUpdate* a également fait l'objet d'une plainte; le Ministère a pris des mesures pour corriger le problème. Nous mènerons un suivi pour nous assurer que la publication sera dorénavant bilingue.

La plainte concernant la dotation a été suscitée par la décision de recourir à la dotation non impérative pour combler un poste de gestionnaire bilingue au cabinet du sous-ministre. Le plaignant soutenait que les fonctions du poste nécessitaient une dotation impérative, c'est-à-dire le choix d'un candidat répondant déjà aux exigences linguistiques au moment de la nomination. L'enquête a révélé que le Ministère avait opté pour la dotation non impérative, entre autres pour s'assurer d'avoir une liste d'admissibilité aussi longue que possible. Le Ministère nous a dit avoir pris en compte les critères du gouvernement régissant le recours à la dotation impérative et conclu qu'ils ne s'appliquaient pas. Nous ne sommes pas de son avis. Selon nous, Environnement Canada a donné à ces critères une interprétation étroite et fautive. Or, le titulaire du poste en question est appelé à jouer, au niveau le plus élevé de l'administration, un rôle essentiel lui conférant une influence prépondérante sur les activités du Ministère. La décision de recourir à la dotation non impérative s'est fondée sur des considérations n'ayant aucunement trait à la langue, dont le désir de créer une liste d'admissibilité, plutôt que sur une analyse objective des exigences linguistiques, comme le veut l'article 91 de la *Loi*. Par conséquent, le Commissaire a recommandé à Environnement Canada de prendre les mesures voulues pour doter le poste de manière impérative.

Cette année, le Ministère a par ailleurs mis en œuvre les deux recommandations encore en suspens que nous avions formulées dans notre rapport d'enquête de 1996 sur la langue de travail à la Direction de l'évaluation des produits chimiques commerciaux. Pour donner suite à la recommandation concernant la tenue des réunions dans les deux langues officielles, la Direction a envoyé une note à son personnel l'informant des mesures prises : l'ordre du jour et le registre des décisions ainsi que le mot de bienvenue et les observations préliminaires du président de la réunion seront dorénavant dans les deux langues. Les employés ont également

Nous n'avons reçu aucune plainte à l'égard d'Elections Canada en 1998; nous avons poursuivi nos efforts pour régler une plainte de l'année précédente selon laquelle la carte de la circonscription d'Ottawa-Vanier n'indiquait pas les voies publiques, les villes et les municipalités dans les deux langues officielles.

Le plaignant estime, et nous sommes d'accord avec lui, qu'il s'agit d'une importante question symbolique, étant donné que plusieurs circonscriptions fédérales comptent un nombre considérable d'électeurs de langue minoritaire et que tous les documents d'Elections Canada, y compris les cartes, devraient en tenir compte. Le plaignant était également d'avis que les cartes produites par Elections Canada devraient être entièrement bilingues, ou disponibles dans des versions française et anglaise distinctes et non pas partiellement bilingues comme c'est présentement le cas pour la carte de la circonscription d'Ottawa-Vanier.

En août 1997, le Commissaire avait recommandé qu'Elections Canada produise soit deux cartes distinctes en français et en anglais, soit une seule carte bilingue indiquant les noms génériques des voies publiques dans les deux langues officielles. Par la suite, nous avons rencontré des représentants d'Elections Canada, et le Commissaire a communiqué par lettres avec le Directeur général des élections qui, comme toujours, a fait preuve d'une très grande collaboration. À l'automne 1998, le Commissaire lui a soumis deux demandes par écrit. Il a d'abord sollicité la promesse que la carte de la circonscription d'Ottawa-Vanier serait produite en format entièrement bilingue ou en deux versions distinctes, une française et une anglaise, d'ici aux prochaines élections fédérales. Il a aussi demandé que les mesures nécessaires soient prises afin de donner pleinement suite à sa recommandation avant la fin de 1998. Le Directeur général des élections a répondu qu'en raison de la complexité de cette question, son bureau ne serait en mesure de nous communiquer ses conclusions qu'au printemps 1999. Le problème est encore à l'étude et des consultations auprès des directeurs du scrutin, des partis politiques et des députés sont en cours. Nous suivrons cette question de près.

Nous avons le plaisir d'annoncer qu'Elections Canada, en collaboration avec l'Agence canadienne de développement international et le Centre de recherches pour le développement international, dans le cadre d'un projet des Nations Unies, a entrepris de produire la version française d'une banque de données électorales d'envergure mondiale. Ce genre d'initiative novatrice illustre le rôle actif et constructif du Canada au sein de la Francophonie.



*Il est actuellement impossible pour les recrues francophones de la Garde de cérémonie de recevoir de la formation dans la langue officielle de leur choix malgré la fonction symbolique importante de cette unité très visible. Des mesures correctives doivent être prises sans délai.*

Le Commissaire a recommandé que le MDN et les Forces canadiennes prennent immédiatement toutes les mesures voulues pour s'assurer que le matériel et la formation soient disponibles dans les deux langues officielles, au plus tard le 1<sup>er</sup> mai 1999.

## DÉVELOPPEMENT DES RESSOURCES HUMAINES CANADA

Au cours de l'année 1998, nous avons instruit 125 plaintes mettant en cause le ministère du Développement des ressources humaines, comparativement à 160 l'an dernier. La grande majorité (105) touchait la langue des services offerts au public; 11 plaintes visaient la langue de travail dans la région de la capitale nationale (Ontario et Québec) et au Nouveau-Brunswick; 9 autres touchaient divers problèmes. Dans l'ensemble, l'Ontario a fait l'objet du plus grand nombre de plaintes (30), suivi de la RCN (19), du Québec (16) et du Nouveau-Brunswick (15).

Le nombre de plaintes a baissé de façon significative cette année. Ce changement est en partie imputable à la diminution du nombre de plaintes touchant les ententes avec les provinces sur le développement du marché du travail (sept de moins) ainsi qu'à une réduction du nombre de plaintes concernant les offres d'emploi traduites par ordinateur. Des 105 plaintes touchant les services au public, 62 mettaient en cause les services offerts par les Centres de ressources humaines (CRH). Vingt-trois plaintes concernaient les annonces publiées dans les journaux; la qualité de la traduction automatique des offres d'emploi a fait l'objet de cinq plaintes.

Les lecteurs du *Rapport annuel* se souviendront qu'au cours des dix dernières années, nous avons amplement parlé de la traduction automatique par ordinateur des offres d'emploi par le Système national des services d'emploi (SNSÉ). Un programme du SNSÉ traduit automatiquement les offres d'emploi affichées dans les bureaux du Ministère et, depuis quelque temps, sur Internet. La qualité des traductions, surtout en français, a fait l'objet de nombreuses plaintes par les années passées et le Ministère a pris une série de mesures pour y remédier. Bien que le nombre de plaintes ait sensiblement diminué, le Ministère tarde, malgré plusieurs rappels, à nous informer de ses plans à court et à long terme pour corriger les problèmes qui persistent; nous comptons d'ailleurs plus d'une cinquantaine de plaintes toujours en attente d'un règlement satisfaisant et permanent. Nous espérons que le Ministère y donnera suite sans plus tarder en 1999.

partie.

Nous avons terminé cette année notre suivi de l'enquête sur la formation professionnelle en français en Ontario. Cette enquête avait porté sur les allégations de l'Association canadienne-française de l'Ontario selon lesquelles le Ministère ne s'acquittait pas complètement de ses responsabilités dans le domaine du développement du marché du travail, plus précisément dans le secteur de la formation professionnelle. Le Commissaire avait fait 11 recommandations à la suite de cette enquête. Les résultats de notre suivi sont décrits à la section 1h) iv) de la présente

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dans quelle mesure elles permettent d'assurer un taux de participation équilibré entre candidats d'expression française et anglaise qualifiés, et de les modifier au besoin. De même, le Commissaire a recommandé que les taux d'attrition soient surveillés de près afin de cerner et de corriger tout facteur qui pourrait avoir un lien de causalité avec la situation et l'usage des langues officielles au Collège.

Une des recommandations de notre rapport d'enquête souligne également la nécessité de prendre les mesures qui s'imposent pour assurer au personnel du Collège l'égalité d'accès à la formation dans la langue officielle de son choix. Le Commissaire a aussi recommandé que le Collège continue de conclure des ententes avec des établissements d'enseignement postsecondaires bilingues ou francophones afin d'offrir à ses étudiants d'expression française un accès plus équitable à de nouvelles possibilités d'éducation. Le ministre de la Défense nationale a convenu de donner suite à ces quatre recommandations; nous procéderons à un suivi l'an prochain.

Plus tard au cours de l'année, nous avons complété notre suivi sur 16 recommandations contenues dans un rapport d'enquête précédant qui traitait de divers services fournis par le Collège à ses étudiants et à son personnel. Les résultats de notre suivi n'étaient pas entièrement satisfaisants, car la moitié des recommandations n'avaient fait l'objet d'aucune mesure corrective, ni partielle ni complète. Toutes les recommandations auraient pu être mises en œuvre si les dirigeants s'étaient davantage penchés sur les moyens requis pour combler les lacunes relevées dans le rapport original. Le Commissaire a formulé quatre nouvelles recommandations pour que les mesures correctives nécessaires soient prises. Il a bien et appliqué uniformément les directives sur la diffusion des avis de conférence, des notes de service et des lettres dans les deux langues officielles; qu'un mécanisme soit élaboré et instauré permettant de surveiller la diffusion de ce genre d'information en français et en anglais; et que le Ministère prenne des mesures visant à promouvoir activement un plus grand usage du français aux assemblées des professeurs.

### La Garde de cérémonie

L'été dernier, nous avons effectué le suivi de trois recommandations formulées dans le cadre d'une enquête sur la formation offerte par les Governor General's Foot Guards aux recrues de la Garde de cérémonie. Notre suivi a révélé qu'aucune de nos recommandations n'avait été mise en œuvre. De fait, nous avons conclu qu'il était impossible pour les recrues unilingues francophones de recevoir de la formation dans leur langue au sein de la Garde de cérémonie. Le français n'est utilisé que lorsque des francophones revendiquent leur droit à des explications pour compenser l'absence de matériel de cours en français et le nombre limité de formateurs bilingues disponibles pour leur offrir une aide linguistique.

En octobre, nous avons demandé un compte-rendu de la mise en œuvre de la directive diffusée en novembre 1997. Nous avons appris que cinq des sept commandements et groupes directement touchés par la politique avaient présenté des rapports de mise en œuvre; les deux autres commandements étaient censés en faire autant en janvier 1999. Selon le MDN, la plupart des unités désignées ont commencé à mettre en place les services requis, et pour plusieurs, c'est déjà chose faite. Le Centre de ressources pour les familles des militaires (CRFM) a besoin d'un effectif bilingue, et c'est une question à laquelle il faudra accorder une attention particulière. Nous constatons avec satisfaction que le contrôle de cette politique incombe à un responsable de secteur au quartier général, ce qui témoigne du sérieux avec lequel la Défense nationale assume ses responsabilités envers les membres des familles des militaires.

Dans le même ordre d'idées, nous avons procédé à une étude de suivi au sujet de plusieurs plaintes déposées en 1996 et concernant l'absence de services offerts en français aux membres des familles de militaires à la BFC d'Esquimalt. Nous avons constaté que les dirigeants de la BFC avaient élaboré un plan afin de se conformer à la directive d'orientation de 1997, sans toutefois examiner à fond les moyens de le mettre convenablement en œuvre. Par exemple, nous avons observé que la disponibilité des médecins locaux et leur capacité de s'exprimer en français n'avaient pas été vérifiées au moment de dresser une liste de ressources pour que les services en français non offerts par la BFC ou les travailleurs sociaux du CRFM puissent quand même être dispensés.

Le ministre de la Défense nationale, Art Eggleton, a manifesté sa compréhension et son appui. En juillet dernier, nous avons publié un rapport d'enquête sur six plaintes déposées en 1997 concernant le programme d'enseignement en français du Collège militaire royal, et plus particulièrement les pratiques de recrutement et d'envolement de candidats francophones ainsi que les possibilités de formation offertes au personnel du Collège dans la langue officielle de son choix.

### Le Collège militaire royal

Notre évaluation des données sur les politiques et les pratiques de recrutement fournies par les Forces canadiennes a mis au jour certaines lacunes. Ainsi, nous avons relevé un écart notable entre les taux d'acceptation de candidats francophones et anglophones malgré les efforts faits depuis 1996 pour recruter davantage d'étudiants francophones au Collège. Par ailleurs, nous avons observé des taux d'attrition supérieurs chez les candidats francophones, bien que la situation soit moins grave qu'au cours des années antérieures. Nous avons conclu que des mesures correctives s'imposaient. Le Commissaire a recommandé au MDN et aux Forces canadiennes de surveiller et d'évaluer les politiques et les pratiques de recrutement pour déterminer

en personne avec des membres du public de tout le pays. Seize plaintes portaient sur la langue de travail, notamment dans la RCN, et une plainte concernait les possibilités d'emploi.

Il est intéressant de noter que seules trois des 16 plaintes liées à la langue de travail concernaient la diffusion de la correspondance interne en anglais seulement au quartier général de la Défense nationale — un problème qui a fait l'objet de plusieurs plaintes par le passé. Les 13 autres plaintes portaient sur des questions telles que les services centraux et personnels et le milieu de travail. L'utilisation équitable du français au quartier général et les problèmes institutionnels persistants liés à la langue de travail demeurent pour nous des sujets de préoccupation.

### Services aux familles

En réponse à trois plaintes en suspens mettant en cause la base des Forces canadiennes (BFC) de Moose Jaw, le chef d'état-major de la Défense a diffusé, le 12 novembre 1997, une directive d'orientation concernant la prestation de services bilingues aux familles du personnel militaire. Nous avons reçu, par la suite, des précisions supplémentaires du MDN en ce qui a trait aux services éducatifs et médicaux qui n'étaient pas expressément visés par la directive. Nous avons également discuté de l'incidence des affectations sur les familles de militaires, ce qui a débouché sur la redistribution de la directive d'orientation en avril, où l'on précise que l'unilinguisme des personnes à charge est un facteur qui influe sur le choix du lieu d'affectation des militaires. À la lumière de ces faits nouveaux, et puisque des arrangements à l'amiable ont été conclus avec les plaignants, nous avons laissé tomber nos poursuites judiciaires dans ce dossier.

Nous apprécions que le MDN se soit penché sur les problèmes soulevés par les plaignants de la BFC de Moose Jaw et qu'il s'attaque aux questions institutionnelles connexes portant sur les services aux familles de militaires. Nous avons été à même de constater dans ces cas qu'il faut beaucoup de volonté et de détermination pour régler des questions aussi épineuses. Ces qualités se sont d'ailleurs manifestées lors de nos échanges avec des cadres supérieurs du MDN, notamment le lieutenant-général David Kinsman, alors sous-ministre adjoint au service du personnel. Nous sommes heureux qu'ils partagent nos préoccupations quant aux graves conséquences de la pénurie de services de base en français sur le bien-être des familles de militaires et la carrière des membres des Forces canadiennes.

En juin dernier, le Commissaire a présenté un mémoire au Comité permanent de la Défense nationale et des Anciens combattants chargé d'examiner la qualité de vie dans les Forces canadiennes. Le Commissaire a exhorté le Comité à réfléchir sérieusement à l'importance de tenir dûment compte des considérations linguistiques au moment d'affecter des militaires dans des régions où leur première langue officielle est celle de la minorité.

Nous avons mené une autre enquête à la suite d'une plainte déposée par l'Institut professionnel de la fonction publique du Canada (IPFPC). L'Institut était d'avis que le Conseil du Trésor devait assumer le coût total de l'interprétation simultanée au cours d'une séance de négociation afin de permettre à ses représentants de suivre le processus dans la langue officielle de leur choix. Normalement, le Conseil du Trésor assumerait une part des coûts des services d'interprétation, égale à celle de l'autre partie, pour favoriser de bonnes relations avec cette dernière.

L'IPFPC agit officiellement au nom du groupe qu'il représente au cours des séances de négociation collective et, de ce fait, est considéré comme un membre du public. Par conséquent, le Conseil du Trésor a l'obligation légale de s'assurer que les communications avec le négociateur de l'IPFPC se font dans la langue officielle choisie par ce dernier. Le représentant du Conseil du Trésor ainsi que le reste de son équipe de négociation étaient en mesure de respecter la langue choisie par le négociateur de l'Institut au cours des séances de négociation collective sans avoir recours à l'interprétation simultanée. Nous avons donc conclu que la plainte était non fondée et en avons avisé les deux parties.

Enfin, nous avons entamé une enquête sur cinq plaintes touchant plusieurs aspects de la langue de travail et alléguant que le milieu de travail ne serait pas propice à l'usage du français au Secrétariat du Conseil du Trésor. Dans le cadre de cette enquête, nous avons effectué un sondage sur la langue de travail auprès des employés du SCT. Nous avons aussi obtenu divers renseignements des responsables des langues officielles et avons interviewé plusieurs employés.

Notre sondage a révélé des faiblesses sur les plans des communications écrites et verbales entre les surveillants et les employés, des réunions ainsi que de la formation professionnelle. Nous avons également constaté que près du tiers des employés du groupe de la direction ne satisfont pas aux exigences linguistiques de leur poste. En fin d'année, nous achevons les entrevues.

## DÉFENSE NATIONALE

Dans l'ensemble, il y a eu des progrès au ministère de la Défense nationale (MDN), mais certains problèmes de longue date n'ont pas encore été résolus. Bien qu'on ait établi un cadre de travail prévoyant la prestation de services dans les deux langues officielles aux familles du personnel militaire, il est trop tôt pour en mesurer l'incidence dans l'ensemble des Forces canadiennes. Les dirigeants du Collège militaire royal, à Kingston (Ontario), poursuivent leurs efforts pour rendre l'établissement pleinement bilingue. Par ailleurs, la formation n'est toujours pas offerte en français aux recrues de la Garde de cérémonie dans la RCN.

Nous avons reçu 50 plaintes mettant en cause le Ministère et les Forces canadiennes comparativement à 38 l'an dernier. Trente-trois d'entre elles concernaient diverses communications téléphoniques, écrites, visuelles, dans les médias, par Internet ou



principes et programmes des institutions fédérales. Le Conseil a également un rôle important à jouer en tant qu'employeur fédéral et il doit faciliter, dans les régions désignées bilingues aux fins de la langue de travail, l'utilisation du français et de l'anglais par les institutions qui relèvent de lui et qu'il dessert. Le Conseil du Trésor devrait donc servir de modèle aux autres institutions fédérales.

Nous avons fait enquête sur six plaintes mettant en cause la compagnie Sun Life du Canada. Cette compagnie d'assurance-vie administre le Régime de soins de santé et le Régime d'assurance-invalidité des employés de la fonction publique du Canada. Dans deux cas, elle a fait parvenir de la documentation en anglais à des prestataires qui avaient soumis leur demande en français. Nous avons reçu cinq autres plaintes semblables au cours des deux dernières années. Deux autres plaintes concernaient la qualité du français dans le document d'explication des indemnités; une autre se rattachait à deux notes manuscrites unilingues anglaises et trois notes dont le français était de piètre qualité, incluses dans la documentation envoyée à une employée d'expression française à la suite d'une requête sur le contenu de son dossier; la dernière portait sur le contrat relatif aux prestations d'invalidité dans lequel il y avait quelques passages en anglais seulement. Lorsque ces manquements ont été portés à l'attention de la Sun Life, elle s'est empressée d'offrir ses excuses aux clients et de fournir l'information requise en français. Nous avons toutefois demandé au Conseil du Trésor d'être vigilant dans ce domaine afin de s'assurer que la compagnie règle ces problèmes de façon permanente. Pour ce qui est de la qualité du français dans le document d'explication des indemnités, la compagnie s'est engagée à apporter les correctifs voulus dans son système informatisé. Nous continuerons de suivre ce dossier de près.

Nous avons aussi complété une enquête mettant en cause le Programme de travaux d'infrastructure Canada à l'Île-du-Prince-Édouard. Le plaignant alléguait que le gouvernement fédéral n'avait pas inclus de critères pour s'assurer que ce programme contribue à l'épanouissement de la minorité francophone de l'Île. Au cours de notre enquête, nous avons examiné plusieurs ententes fédérale-provinciales conclues dans le cadre du Programme.

Nous avons conclu que le gouvernement fédéral est sûrement en mesure de négocier, voire d'inclure des dispositions linguistiques dans les ententes contractuelles avec les provinces dans le cadre de programmes nationaux. En omettant d'inclure des clauses linguistiques adéquates dans les ententes, le gouvernement n'a pas tenu compte des dispositions de la Partie VII de la Loi. Le Commissaire a donc recommandé au Conseil du Trésor de tenir compte des besoins des communautés minoritaires de langue officielle et d'inclure des clauses linguistiques visant à favoriser leur développement et leur épanouissement équitables dans toute nouvelle entente fédérale-provinciale négociée ou renégociée dans le cadre de programmes d'envergure nationale. Le Conseil du Trésor a accepté de donner suite à ces recommandations.

ses responsabilités en cette matière et ne transmet pas les plaintes aux transporteurs régionaux visés. Le Commissaire a donc décidé d'envoyer ses avis d'enquête à la fois à Air Canada et au transporteur régional visé, mais sans plus de véritable succès; il reçoit, notamment d'Air Nova, des accusés de réception, mais il n'est pas pour autant en mesure de faire son enquête habituelle et d'en faire parvenir les résultats aux plaignants et à l'institution afin d'assurer les corrections requises.

## CHAMBRE DES COMMUNES

Nous avons enquêté sur cinq plaintes concernant la Chambre des communes cette année et procédé à une étude de suivi des recommandations de 1996 sur les droits linguistiques des députés. Comme nous le signalions dans notre *Rapport annuel 1996*, les droits linguistiques des députés posent un dilemme quelque peu complexe. En effet, comment concilier le droit de chaque député d'utiliser la langue officielle de son choix avec celui de tous les députés de comprendre la totalité des propos formulés de vive voix ou par écrit dans le cadre des travaux de la Chambre? Dans notre étude de suivi, nous avons voulu nous assurer qu'on prendrait les mesures nécessaires à la conciliation de ces droits.

La question a donné lieu à deux nouvelles plaintes en 1998 à la suite d'un incident quasi identique à celui survenu en 1996. Cet incident a été provoqué par une résolution d'un comité de la Chambre des communes exigeant que toutes les motions présentées au comité soient déposées dans les deux langues officielles. Selon les plaignants, cette résolution restreignait le droit des députés de déposer des motions dans leur propre langue. Le comité a abrogé sa résolution dans la semaine qui a suivi. L'incident a néanmoins fait ressortir la nécessité, pour la Chambre des communes et son Administration, de revoir les recommandations antérieures du Commissaire.

L'Administration de la Chambre des communes a réagi rapidement à deux plaintes, l'une concernant l'absence de service en français auprès des visiteurs dans la tribune du public et l'autre, l'affichage d'un menu unilingue anglais dans la cafétéria de l'édifice de l'Ouest. La dernière plainte remettait en question le taux peu élevé (36 p. 100) de la participation anglophone au sein du personnel administratif de la Chambre. L'Administration de la Chambre a accepté de prendre des mesures appropriées étant donné les faibles possibilités de régler la situation à court terme.

## CONSEIL DU TRÉSOR

La Loi sur les langues officielles attribue au Conseil du Trésor un rôle particulier dans la mise en œuvre des langues officielles dans la fonction publique. D'une part, il est responsable de l'élaboration de principes, d'instructions et de règlements en matière de langues officielles et de l'application de ceux-ci; d'autre part, il est chargé de l'évaluation de l'efficacité des



Dans plusieurs cas, le manque de collaboration d’Air Canada complique la tenue de nos enquêtes. Air Canada nous fournit souvent des réponses sommaires n’indiquant aucune mesure corrective, et limite notre accès aux gestionnaires et aux employés que nous voudrions interviewer.

Recours judiciaires

a) L’aéroport Lester-B.-Pearson et l’aéroport d’Halifax

L’an dernier, le Commissaire avait consenti à reporter le recours judiciaire concernant les services d’Air Canada à l’aéroport Lester-B.-Pearson afin de pouvoir vérifier sur place les mesures prises par la Société pour améliorer ses services au sol à Toronto. Ces mesures s’étant révélées insatisfaisantes, le Commissaire a poursuivi le recours en 1998.

Air Canada a déposé deux requêtes s’objeçant à une partie de la preuve soumise par le Commissaire à l’appui de ce recours et d’un autre contre l’aéroport d’Halifax. La Division de première instance de la Cour fédérale a rejeté ces deux requêtes. Air Canada en a appelé de ces deux décisions. En attendant les audiences de ces appels, les procédures sur les deux recours du Commissaire se poursuivent. En août, le Commissaire a déposé une mise à jour de sa preuve dans les deux cas. Quant à Air Canada, elle devait déposer sa preuve à l’automne.

En 1997, le Commissaire avait refusé de reporter la continuation du recours judiciaire concernant les services au sol d’Air Canada à l’aéroport d’Halifax, la Société et le syndicat local ayant mis sur pied, pendant l’été, un projet pilote visant à améliorer les services dans les deux langues officielles à cet aéroport. Étant donné l’entente signée entre Air Canada et le syndicat local, le Commissaire a accepté de procéder à une vérification sur place à la fin de 1998 pour s’assurer que les mesures prises se traduisent effectivement par des services fiables. Nous ferons état l’an prochain des résultats de cette vérification présentement en cours. Le Commissaire a cependant décidé de poursuivre le recours selon le calendrier établi par la Cour.

b) Les transporteurs régionaux

En mars 1997, le Commissaire a déposé une requête de renvoi à la Cour fédérale lui demandant de définir dans quelle mesure les transporteurs régionaux d’Air Canada sont assujettis aux obligations prévues par la Loi. Quatre mois plus tard, une requête des intimés visant à mettre fin aux procédures était rejetée par la Division de première instance de la Cour fédérale. Air Canada et ses transporteurs régionaux ont porté cette décision en appel, au moment de mettre sous presse, la date d’audience n’ayant pas encore été fixée.

Entre-temps, les plaintes concernant les quatre transporteurs régionaux portées à l’attention du Commissaire s’accumulent : leur nombre a presque triplé en 1998 comparativement à 1997 (174 par rapport à 61). La Société refuse toujours de reconnaître

de rendement et d’exploitation — Personnel de cabine » et les mises à jour, n’étaient pas disponibles simultanément dans les deux langues officielles et que les employés d’expression française n’étaient pas toujours informés de la disponibilité de documents en français. Le Commissaire a formulé quatre recommandations; notamment que les programmes de formation pour les agents de bord soient offerts dans les deux langues officielles au plus tard en 1999. Ce délai a été accordé à Air Canada afin de lui donner suffisamment de temps pour traduire tous ses manuels de formation. Le Commissaire a aussi recommandé qu’Air Canada s’assure que les publications de langue française aient le même nombre de mises à jour que leur contrepartie de langue anglaise et que les deux versions soient distribuées simultanément.

Vente d’Air Alliance

À l’été 1998, Air Canada a mis en vente sa filiale Air Alliance. Un plaigant a porté à notre attention le fait que la société RBC Dominion Valeurs mobilières, agissant pour le compte d’Air Canada, avait demandé aux acheteurs éventuels qui désiraient obtenir les documents afférents à la vente des actions d’Air Alliance de signer une clause par laquelle ils demandaient à recevoir toute documentation en anglais seulement. À titre d’organisme assujéti à la Loi sur les langues officielles, Air Canada est tenue de s’assurer que les membres du public puissent communiquer avec son administration centrale, et avec tout tiers agissant pour son compte, et en recevoir les services dans la langue officielle de son choix. Le public doit aussi être informé que les documents sont disponibles dans les deux langues officielles. À cette fin, le Commissaire a recommandé à Air Canada d’inclure dans les documents de vente d’actions d’Air Alliance une clause linguistique indiquant la disponibilité de tous les documents dans les deux langues officielles et de s’assurer que tous les documents, existants et à venir, afférents à la vente d’Air Alliance et à toute autre vente éventuelle, soient offerts simultanément dans les deux langues officielles.

Système de réservations

Au mois de juin 1998, le Commissaire a informé Air Canada de son intention d’effectuer une évaluation générale du système de réservations de la Société, par suite de la réception de 13 plaintes à ce sujet. Nous avons constaté que, malgré les assurances données au cours des années, certains problèmes se répètent sans que la Société ne réussisse à trouver des solutions adéquates. Notons, par exemple, l’accueil unilingue anglais et la piètre connaissance du français de certains agents affectés au service téléphonique du client et les délais disproportionnés pour obtenir le service en français. L’enquête sera complétée d’ici les prochains mois; nous en ferons état dans le prochain Rapport annuel.

Des 78 plaintes déposées cette année, 6 touchaient le service des réservations, 53 le service au sol et 9, le service à bord des vols. Quant aux 10 autres plaintes, elles portaient principalement sur la langue de travail et sur d'autres communications avec le public.

Dans le *Rapport annuel 1997*, nous avons fait état d'une enquête approfondie sur les services en vol. Le Commissaire avait formulé une recommandation concernant l'affectation de personnel bilingue sur les trajets où la demande est importante et la modification du protocole d'entente entre Air Canada et le Syndicat canadien de la fonction publique (Division du transport aérien). La Société a répondu que la convention collective devait être renégociée en 1998 et que certaines de nos inquiétudes allaient être discutées, notamment le service à bord des trajets en Ontario, au Québec et au Nouveau-Brunswick. (Rappelons que la question de la primauté de la *Loi sur les langues officielles* sur les conventions collectives a fait l'objet de plusieurs discussions dans le passé avec les responsables d'Air Canada.) À la fin de l'année, nous avons entrepris un suivi afin de déterminer si la recommandation avait été mise en application. Nous poursuivons notre suivi en 1999.

#### Formation des agents de bord

À la suite du dépôt de quatre plaintes en 1997, le Commissaire a effectué une enquête relative à la langue de la formation et des instruments de travail des agents de bord. Selon les plaignants, le milieu de travail des agents de bord n'était pas propice à l'usage du français à Montréal, région pourtant désignée bilingue aux fins de la langue de travail. Dès 1990, le Commissaire avait constaté que la plupart des cours étaient souvent offerts en anglais seulement, puisqu'il y avait fréquemment des participants unilingues anglais. Il avait recommandé à Air Canada de prendre les dispositions voulues afin d'assurer en tout temps le respect des préférences linguistiques des agents de bord en matière de formation. Sept ans après la formulation de cette recommandation, la situation demeure essentiellement inchangée.

La première des quatre plaintes portait sur le fait que la formation des nouveaux agents de bord était dispensée en anglais seulement à Montréal. Une deuxième concernait la formation annuelle de qualification ainsi que la formation bisannuelle en extinction des incendies et en premiers soins; ces formations aussi n'étaient disponibles qu'en anglais. Dans les deux cas, Air Canada a confirmé que les allégations étaient fondées. Le Commissaire estime que cette situation nuit à la carrière des agents de bord d'expression française. Par ailleurs, la Société a accepté de remettre aux agents de bord ayant réussi la formation de qualification la « Fiche de qualification — Sécurité » en format bilingue.

L'enquête portait aussi sur les instruments de travail. Le Commissaire a constaté que la documentation et le matériel d'usage courant et généralisé, tels que le manuel sur les « Normes

La mission du PCLA est de former des chefs de file pour l'industrie agroalimentaire canadienne. Le Conseil prétend que la structure du programme, qui prévoit de nombreux colloques au pays comme à l'étranger ainsi qu'un système de téléconférence assisté par ordinateur, permet difficilement le recours à l'interprétation simultanée. Par conséquent, au cours de la campagne de recrutement, on a invité les chefs de file du milieu agricole d'expression française à participer au Programme, mais en soulignant que le projet-pilote se déroulerait en anglais. Trois des 30 participants inscrits sont d'expression française. En réponse à notre intervention, le Conseil a fait valoir que, puisque le projet-pilote durait déjà depuis une dizaine de mois, il serait difficile et coûteux de poursuivre le programme dans les deux langues officielles. En revanche, il a proposé d'autres options, (dont la création d'un programme bilingue) afin de tenir compte, lors de la mise sur pied du programme permanent, des besoins des chefs de file dans certaines régions où la population d'expression française est nombreuse, soit au Québec, au Nouveau-Brunswick et dans l'est de l'Ontario.

Nous avons conclu que le projet-pilote aurait dû tenir compte des besoins particuliers des participants d'expression française. Le Commissaire a donc recommandé à Agriculture et Agroalimentaire Canada de prendre les mesures voulues pour communiquer clairement au CCGEA ses attentes à l'égard des langues officielles, particulièrement en ce qui a trait à la mise sur pied de projets-pilotes pour les programmes qui comportent la prestation de services et/ou la participation de membres des deux communautés de langue officielle. Il a aussi recommandé d'instaurer un mécanisme de contrôle destiné à assurer le plein respect des obligations linguistiques figurant dans l'accord de contribution. Enfin, il a recommandé que des mesures soient prises pour déterminer les besoins des communautés minoritaires de langue officielle en ce qui concerne le PCLA.

Le Ministère a accepté de mettre en œuvre ces recommandations. Un autre projet-pilote, qui relèvera d'un seul comité directeur, sera offert parallèlement en français et en anglais à l'automne 1999. Des réunions des coordonnateurs des programmes en français et en anglais sont aussi prévues de même qu'un colloque à l'intention des participants, avec interprétation simultanée.

#### AIR CANADA

Le nombre de plaintes portées directement contre Air Canada est passé de 169 en 1997 à 78 en 1998. Cette baisse s'explique par le fait que, l'an dernier, plus d'une centaine des plaintes concernaient les examens de Chef mécanicien et d'Inspecteur de la base d'entretien d'Air Canada à Dorval (Québec), ces examens n'étant disponibles qu'en anglais. Grâce à l'intervention du Commissaire, ils sont maintenant disponibles dans les deux langues.



Edouard, l'avait fait traduire en anglais. L'objet de cette demande de subvention était une étude de besoins auprès de la communauté acadienne des régions de Charlottetown, Rustico et les environs. Lorsque la version anglaise de la demande est arrivée, les fonds disponibles étaient épuisés. La communauté d'expression française a fait valoir qu'elle n'avait pas eu un accès égal à celui de la communauté de langue anglaise à une initiative importante pour son développement. Nous avons conclu à une plainte fondée.

## g) LES ENQUÊTES

### AGRICULTURE ET AGROALIMENTAIRE CANADA

Au cours des dernières années, d'importants changements se sont produits dans la prestation des services liés à l'agriculture et à l'agroalimentaire auprès du public canadien. En avril 1997, le gouvernement fédéral a créé l'Agence canadienne d'inspection des aliments qui regroupe tous les services d'inspection et de défense des végétaux. Le gouvernement entend ainsi améliorer ces services qui, auparavant, étaient assurés par Agriculture et Agroalimentaire Canada, Santé Canada, Industrie Canada et le ministère des Pêches et des Océans. Des dispositions ont été prises afin d'assurer que la *Loi sur les langues officielles* s'applique intégralement à cet organisme.

En 1998, douze plaintes ont été portées contre l'Agence; six d'entre elles se rapportaient aux exigences linguistiques de six postes de gestionnaires régionaux, cinq avaient trait à la langue de service et une se rattachait à la langue de préséance. Les douze plaintes ont été réglées rapidement et de façon satisfaisante.

Depuis plusieurs années, de plus en plus de programmes sont offerts par le ministère de l'Agriculture et de l'Agroalimentaire en partenariat avec le secteur privé. Le cas qui suit illustre le besoin de prévoir des dispositions linguistiques adéquates afin de respecter pleinement les exigences de la *Loi*.

En 1998, nous avons fait enquête sur une plainte concernant le projet-pilote de formation du Programme canadien de leadership en agriculture (PCLA); ce projet était offert en anglais seulement par le Conseil canadien de la gestion d'entreprise agricole (CCGEA). Société privée sans but lucratif, le CCGEA a pour objet d'aider les agriculteurs et leurs fournisseurs de services à s'adapter aux changements dans le domaine agricole. Le CCGEA et ses programmes sont financés en grande partie par le Fonds canadien d'adaptation et de développement rural d'Agriculture et Agroalimentaire Canada. Une clause linguistique générale figure dans l'accord de contribution conclu entre le Ministère et le Conseil.

communauté franco-manitobaine et du gouvernement de la province en ce qui a trait aux services de la police provinciale assurés par la GRC. Le Commissaire continuera de suivre de très près l'évolution de ce dossier.

Trois plaintes visaient la Société du Musée canadien des civilisations. Elles portaient sur le déséquilibre entre le nombre de projections en français et en anglais des films offerts au public. Au moment du dépôt des plaintes, on présentait des films en soirée du lundi au samedi, en français ou en anglais selon les soirs. Il y avait deux soirées de projection en français (aucune le vendredi et samedi) et quatre en anglais. De l'avis des plaignants, cette situation était injuste à l'égard de la communauté d'expression française. En effet, dans cette vitrine que constitue pour les Canadiens et les visiteurs étrangers la région de la capitale nationale, le public de langue française n'avait pas un accès comparable à celui de langue anglaise à une programmation de films dans sa langue. En fin d'enquête, nous avons recommandé à la Société de réviser ses horaires de films afin de s'assurer que tant durant le jour qu'en soirée, les francophones et les anglophones soient servis de façon équitable. La Société a donné suite à nos demandes en ce qui a trait à la programmation en cours. Nous continuerons à suivre de près les prochaines programmations pour nous assurer que l'institution continue sur cette lancée.

Radio-Canada a fait l'objet d'une plainte dénonçant le manque d'accès au RDI à Sydney (Nouvelle-Écosse) et une autre concernant l'accès à une seule des deux chaînes radiophoniques du réseau français à Kingston (Ontario) contrairement aux auditeurs d'expression anglaise de cette ville. Au moment de mettre sous presse, les deux enquêtes étaient en cours.

Le ministère du Patrimoine canadien a été visé par une plainte touchant le milieu scolaire en Nouvelle-Écosse. Selon la plaignante, le Ministère n'avait pas pris les mesures voulues pour inciter le gouvernement néo-écossais à répondre aux attentes de la communauté francophone en matière d'écoles françaises homologues dans toute la province. Il n'avait pas non plus consenti à financer la traduction de documents pertinents à une requête soumise à la Cour provinciale. Aux yeux de la plaignante, une telle façon de faire de la part de l'institution constituait un obstacle à l'épanouissement et au développement de la communauté de langue officielle vivant en situation minoritaire dans cette province. L'enquête se poursuit.

Une autre plainte visant le ministère de l'Agriculture et de l'Agroalimentaire du Canada portait sur le fait qu'un programme national, subventionné à 40 p. 100 par le Ministère, n'était disponible qu'en anglais, privant ainsi la communauté d'expression française de cet instrument de développement économique. Cette plainte, fondée, a donné lieu à trois recommandations que l'institution s'est engagée à mettre en œuvre.

Une plainte portée contre DRHC alléguait qu'une demande de subvention, rédigée en français, n'a pu être considérée à temps parce que le Ministère, alors en réorganisation à l'Île-du-Prince-



## e) L'ARTICLE 91

L'article 91 de la *Loi sur les langues officielles* stipule que : « Les parties IV et V n'ont pour effet d'autoriser la prise en compte des exigences relatives aux langues officielles, lors d'une dotation en personnel, que si elle s'impose objectivement pour l'exercice des fonctions en cause. »

La définition objective des exigences linguistiques d'un poste repose sur une connaissance adéquate des lignes directrices établies par des organismes centraux tels que le Conseil du Trésor et la Commission de la fonction publique, et des besoins réels. Le gestionnaire doit pouvoir répondre aux trois questions suivantes : Le poste exige-t-il la connaissance d'une seule ou des deux langues officielles ? Quelles sont les compétences linguistiques requises pour un poste nécessitant les deux langues officielles ? Le poste exige-t-il un niveau donné de bilinguisme dans l'immédiat ou permet-il un délai au cours duquel le candidat pourrait acquérir le niveau requis ?

Des 17 institutions mises en cause dans des plaintes touchant l'article 91, ce sont la Gendarmerie royale du Canada (sept plaintes) et l'Agence canadienne d'inspection des aliments (six plaintes) qui ont fait l'objet du nombre de plaintes le plus élevé. La plupart des plaintes contre la GRC (cinq sur sept) provenaient de la région de l'Atlantique et concernaient la réorganisation en cours de cet organisme dans cette région. De la quarantaine de plaintes formulées cette année (comparativement à 27 en 1997), la moitié provenait de l'Atlantique et un quart, de la région de la capitale nationale. Les enquêtes que nous avons menées ont confirmé que la majorité des plaignants étaient en droit de contester le profil linguistique établi par l'institution car, la plupart du temps, celui-ci était insuffisant. Les deux incidents suivants illustrent la nature des problèmes soulevés.

Dans le premier cas, deux personnes ont remis en question l'objectivité de la classification d'un profil linguistique anglais essentiel pour un poste de sous-officier de la GRC responsable des opérations à Oromocto (Nouveau-Brunswick). Étant donné que le poste comprenait des fonctions de supervision, nous étions d'avis que les exigences linguistiques n'étaient pas adéquates et que le poste devait être désigné bilingue et accordé à un candidat déjà qualifié. Notre intervention a mené à l'annulation du concours dans l'attente d'une révision organisationnelle effectuée par le commandant du district. De plus, la GRC nous a assurés que si elle devait combler le poste avant la fin de cette révision, elle le ferait au niveau « B B C / B B C » de façon impérative.

Dans le second cas, un avis de concours, affiché par la Société canadienne des postes, a suscité des réactions immédiates de la part de quelques résidents de la Nouvelle-Écosse. L'affiche stipulait que l'anglais était la seule langue exigée pour des postes d'adjoints temporaires au bureau de poste de Pointe-de-l'Église. Il s'agit d'une municipalité à majorité francophone et le bureau de poste dessert un bon nombre de personnes d'expression

## f) LA PARTIE VII DE LA LOI

Française, sans compter l'Université Sainte-Anne et la Caisse populaire, deux institutions d'importance. Le maître de poste a réagi rapidement aux protestations des citoyens. Il a fait retirer le jour même l'avis de concours et l'a remplacé par un document conforme aux critères linguistiques pour ce genre de service. Signations que l'exercice visait à dresser une liste des candidats éventuellement admissibles; nous entendons effectuer un suivi afin que tout nouveau poste soit occupé par un titulaire bilingue.

En 1998, nous avons reçu 14 plaintes alléguant une infraction à la Partie VII de la *Loi*. Neuf d'entre elles allèguent aussi qu'il y a infraction à la Partie IV de la *Loi*. Les situations visées étaient multiples : réorganisations, services radiophoniques ou télévisuels, promotion du français ou de l'anglais auprès des gouvernements provinciaux, projections de films, subventions, etc.

Il s'agit d'une diminution par rapport au nombre de plaintes reçues l'an dernier (29). Cette différence peut être attribuée à divers facteurs, dont le fait qu'il y a eu moins de transferts de responsabilités dans ces domaines du gouvernement fédéral aux provinces et territoires. Des 29 plaintes touchant la Partie VII de la *Loi* en 1997, 10 se rapportaient à des ententes fédérales-provinciales sur le développement du marché du travail; aucune ne nous a été adressée cette année. Il se peut aussi que les communautés de langue officielle vivant en situation minoritaire hésitent à déposer des plaintes relativement à des situations liées à la transformation de l'appareil fédéral (restructurations, partenariats, dévolutions) avant de connaître les conclusions du groupe de travail mis sur pied au printemps 1998. Ce groupe de travail avait été recommandé par le Commissaire.

Des 14 plaintes reçues cette année, neuf sont toujours sous enquête. L'ensemble de ces plaintes illustre l'effet des programmes et des activités du gouvernement sur la vitalité des communautés de langue officielle.

La GRC a fait l'objet de quatre plaintes, dont l'une s'est révélée non fondée. Dans les autres cas, toujours sous enquête, les trois plaignants, tous du Manitoba, craignaient un effritement du bilinguisme institutionnel et redoutaient les répercussions néfastes de leur communauté la réorganisation des services de la GRC dans le corridor de la rivière Rouge au sud de Winnipeg. Cette réorganisation aurait pour effet de réduire l'effectif policier affecté au détachement de Saint-Pierre-Jolys. Selon les plaignants, la restructuration proposée entraînerait une diminution du service offert dans la langue de la minorité.

Devant les protestations de la communauté, la GRC a décidé en novembre de suspendre la restructuration en cours, le temps d'entreprendre des consultations auprès des représentants de la

Tableau III.11 (suite)

INSTITUTION		Année		Francophones		Anglophones		Inconnus		Total	
Société de développement du Cap-Breton	1997	3	0,2 %	1 740	99,8 %	0		0		1 743	1 912
	1996	3	0,2 %	1 909	99,8 %	0		0			
Société d'expansion du Cap-Breton	1997	3	5,5 %	52	94,5 %	0		0		55	52
	1996	2	3,8 %	50	96,2 %	0		0			
Société du crédit agricole	1997	198	21,7 %	716	78,3 %	0		0		914	914
	1996	162	20,4 %	632	79,6 %	0		0		794	794
Société du Port de Halifax	1997	2	3,3 %	58	96,7 %	0		0		60	62
	1996	3	4,8 %	59	95,2 %	0		0			
Société du Port de Montréal	1997	320	95,5 %	15	4,5 %	0		0		335	343
	1996	328	95,6 %	15	4,4 %	0		0			
Société du Port de Prince Rupert	1997	0	0,0 %	17	100,0 %	0		0		17	17
	1996	0	0,0 %	16	100,0 %	0		0		16	16
Société du Port de Québec	1997	55	96,5 %	2	3,5 %	0		0		57	57
	1996	55	96,5 %	2	3,5 %	0		0			
Société du Port de Saint-John (N.-B.)	1997	2	8,0 %	23	92,2 %	0		0		25	25
	1996	1	4,2 %	23	95,8 %	0		0		24	24
Société du Port de St. John's (T.-N.)	1997	0	0,0 %	16	100,0 %	0		0		16	16
	1996	0	0,0 %	16	100,0 %	0		0		16	16
Société du Port de Vancouver	1997	2	1,3 %	156	98,7 %	0		0		158	173
	1996	2	1,2 %	171	98,8 %	0		0			
Société du Vieux-Port de Montréal	1997	160	97,6 %	4	2,4 %	0		0		164	164
	1996	225	98,3 %	4	1,7 %	0		0		229	229
Société immobilière du Canada Ltée	1997	11	14,1 %	67	85,9 %	0		0		78	78
	1996	10	12,8 %	68	87,2 %	0		0		78	78
Société pour l'expansion des exportations	1997	203	28,2 %	516	71,8 %	0		0		719	719
	1996	188	29,5 %	449	70,5 %	0		0		637	637
Société Radio-Canada	1997	3 344	43,3 %	4 373	56,7 %	0		0		7 717	8 999
	1996	3 822	42,5 %	5 177	57,5 %	0		0			
Table ronde nationale sur l'environnement et l'économie	1997	9	45,0 %	11	55,0 %	0		0		20	19
	1996	9	47,4 %	10	52,6 %	0		0			
Téléfilm Canada	1997	88	63,3 %	51	36,7 %	0		0		139	139
	1996	85	63,0 %	50	37,0 %	0		0		135	135
Vérificateur général du Canada	1997	213	38,6 %	339	61,4 %	0		0		552	537
	1996	201	37,4 %	336	62,6 %	0		0			
Via Rail Canada Inc.	1997	1 267	39,7 %	1 926	60,3 %	0		0		3 193	3 193
	1996	1 218	38,6 %	1 941	61,4 %	0		0		3 159	3 159

Source : Conseil du Trésor, décembre 1997.

Tableau III.11 (suite)

INSTITUTION	Année	Francophones	Anglophones	Inconnus	Total
Corporation commerciale canadienne	1997	22	64	0	86
	1996	28	63	0	91
Défense nationale	1997	17 375	44 102	1 289	61 477
	1996	16 887	43 454	1 289	61 630
Energie atomique du Canada liée	1997	34	2 814	0	2 848
	1996	129	3 697	0	3 826
Fondation canadienne des relations raciales	1997	2	3	0	5
	1996				
Gendarmerie royale du Canada	1997	2 982	12 586	0	15 568
	1996	2 982	12 586	0	15 568
Marine Atlantique	1997	11	1 315	0	1 326
	1996	87	2 498	0	2 585
Monnaie royale canadienne	1997	275	271	0	546
	1996	243	268	0	511
Musée canadien des civilisations	1997	324	203	0	527
	1996	374	231	0	605
Musée des beaux-arts du Canada	1997	110	168	0	278
	1996	106	162	0	268
Musée national des sciences et de la technologie	1997	120	136	0	256
	1996	132	136	0	268
Musée national des sciences naturelles	1997	61	72	0	133
	1996	60	107	0	167
NAV Canada	1997	1 056	4 886	54	5 996
	1996				
Office national de l'énergie	1997	29	228	0	257
	1996	32	224	0	256
Office national du film	1997	248	163	0	411
	1996	283	184	0	467
Pétrole et gaz des Indiens du Canada	1997	1	58	0	59
	1996	1	57	0	58
Société canadienne des ports	1997	36	54	0	90
	1996	74	190	0	264
Société canadienne des postes	1997	13 023	41 668	0	54 691
	1996	13 326	42 963	0	56 289
Société canadienne d'hypothèques et de logement	1997	653	1 368	0	2 021
	1996	775	1 654	0	2 429
Société d'assurance-dépôts du Canada	1997	30	58	0	88
	1996	28	61	0	89
Société de commercialisation du poisson	1997	8	159	0	167
	1996	7	166	0	173
d'eau douce					



INSTITUTION	Année	Francophones	Anglophones	Inconnus	Total
Canadien National	1997	3 495	17,6 %	12 908	64,9 %
	1996	3 764	17,8 %	13 772	65,1 %
Canadien National – Filiales	1997	52	26,3 %	146	73,7 %
	1996	46	22,8 %	156	77,2 %
Centre canadien d'hygiène et de sécurité au travail	1997	11	13,8 %	69	86,3 %
	1996				
Centre de recherches pour le développement international	1997	101	37,0 %	172	63,0 %
	1996	98	42,4 %	133	57,6 %
Centre international des droits de la personne et du développement démocratique	1997	19	65,5 %	10	34,5 %
	1996	19	65,5 %	10	34,5 %
Centre national des arts	1997	291	44,0 %	371	56,0 %
	1996	291	44,0 %	371	56,0 %
Comité de surveillance des activités de renseignements de sécurité	1997	8	66,7 %	4	33,3 %
	1996				
Commission canadienne des affaires polaires	1997	2	33,3 %	4	66,7 %
	1996	2	28,6 %	5	71,4 %
Commission canadienne du blé	1997	11	1,9 %	579	98,1 %
	1996	9	1,7 %	535	98,3 %
Commission de contrôle de l'énergie atomique	1997	94	22,7 %	320	77,3 %
	1996	100	24,0 %	317	76,0 %
Commission de la capitale nationale	1997	257	55,4 %	207	44,6 %
	1996	281	53,5 %	244	46,5 %
Commission des champs de bataille nationaux	1997	70	98,6 %	1	1,4 %
	1996	62	98,4 %	1	1,6 %
Commission des relations de travail dans la fonction publique	1997	20	55,6 %	16	44,4 %
	1996	20	54,1 %	17	45,9 %
Conseil canadien des normes	1997	21	28,8 %	52	71,2 %
	1996	23	31,5 %	50	68,5 %
Conseil de recherches en sciences humaines du Canada	1997	53	50,0 %	53	50,0 %
	1996	58	52,7 %	52	47,3 %
Conseil de recherches en sciences naturelles et en génie du Canada	1997	104	50,5 %	102	49,5 %
	1996	109	54,5 %	91	45,5 %
Conseil de recherches médicales	1997	31	38,8 %	49	61,3 %
	1996	29	37,7 %	48	62,3 %
Conseil des arts du Canada	1997	76	55,5 %	61	44,5 %
	1996	85	52,5 %	77	47,5 %
Conseil national de recherches du Canada	1997	832	26,5 %	2 209	70,2 %
	1996	824	27,1 %	2 120	69,8 %
Construction de défense Canada	1997	38	20,5 %	147	79,5 %
	1996	45	18,5 %	198	81,5 %

Tableau III.11

Participation dans les sociétés d'État et autres organismes, 1997

INSTITUTION				Année		Francophones		Anglophones		Inconnus		Total	
Administration de l'aéroport	1997	37	34,9 %	69	65,1 %	0						106	
Macdonald-Cartier d'Ottawa	1996												
Administration des aéroports	1997	8	6,6 %	113	93,4 %	0						121	
de Winnipeg Inc.	1996												
Administration de la voie maritime du	1997	313	42,6 %	421	57,4 %	0						734	
Saint-Laurent	1996	279	39,9 %	420	60,1 %	0						699	
Administration de l'Atlantique	1997	0	0,0 %	56	100,0 %	0						56	
	1996	0	0,0 %	55	100,0 %	0						55	
Administration de pilotage des Grands	1997	37	46,3 %	43	53,8 %	0						80	
Lacs Liée	1996	35	43,8 %	45	56,3 %	0						80	
Administration de pilotage des Laurentides	1997	49	98,0 %	1	2,0 %	0						50	
	1996	48	98,0 %	1	2,0 %	0						49	
Administration de pilotage du Pacifique	1997	1	1,6 %	60	98,4 %	0						61	
	1996	0	0,0 %	63	100,0 %	0						63	
Aéroport de Calgary	1997	0	0,0 %	136	100,0 %	0						136	
	1996	0	0,0 %	135	100,0 %	0						135	
Aéroport de Vancouver	1997	3	1,1 %	269	98,9 %	0						272	
	1996	2	0,8 %	257	99,2 %	0						259	
Aéroports d'Edmonton	1997	7	3,7 %	184	96,3 %	0						191	
	1996	6	3,1 %	188	96,9 %	0						194	
Aéroports de Montréal	1997	566	96,4 %	21	3,6 %	0						587	
	1996	557	96,5 %	20	3,5 %	0						577	
Agence canadienne d'inspection des aliments	1997	1 220	25,6 %	3 537	74,4 %	0						4 757	
	1996	3 331	16,0 %	9 404	45,1 %	8 099	43,7 %	20 834	19 601				
Air Canada	1997	0	0,0 %	650	100,0 %	0						650	
Autorité aéroportuaire du Grand Toronto	1997	407	37,6 %	675	62,4 %	0						1 082	
Banque de développement du Canada	1996	388	35,9 %	693	64,1 %	0						1 081	
Bureau de l'enquêteur correctionnel	1997	11	73,3 %	4	26,7 %	0						15	
	1996												
Banque du Canada	1997	545	37,4 %	911	62,6 %	0						1 456	
	1996	549	35,6 %	995	64,4 %	0						1 544	
Bureau du surintendant des institutions	1997	110	27,5 %	290	72,5 %	0						400	
financières	1996	101	25,6 %	293	74,4 %	0						394	

Tableau III.9

Nominations externes à la fonction publique, 1997-1998

Région	Total	R e c r u t e m e n t			Population de langue officielle minoritaire (%)
		Francophones (%)	Anglophones (%)		
Ouest et Nord	5 829	54	5 775	99,1	2,1
Ontario*	2 869	202	2 667	93,0	3,7
RCN	5 828	2 234	3 594	61,7	35,0
Québec*	4 246	4 096	150	3,5	13,0
Atlantique (excluant le N.-B.)	2 462	38	2 424	98,5	2,7
Nouveau-Brunswick	588	219	369	62,8	33,0
TOTAL	21 876	6 866	15 010	68,6	24,6

\* Données excluant la région de la capitale nationale (RCN).

Sources : Commission de la fonction publique. Données du recensement de Statistique Canada, 1996, première langue officielle parlée.

Tableau III.10

Participation dans les sociétés d'Etat et autres organismes, par région

Région	Total	Francophones (%)	Anglophones (%)	Inconnu (%)
Ouest et Nord	66 381	3 951	58 886	(88,7)
Ontario*	55 450	4 459	46 976	(84,7)
RCN	23 326	8 079	15 004	(64,3)
Québec*	41 311	32 751	5 143	(12,4)
Atlantique	29 919	4 199	25 205	(84,2)
À l'étranger	4 640	1 068	3 572	(77,0)
TOTAL	221 027	54 507	154 786	(70,0)

\* Données excluant la région de la capitale nationale (RCN).

Source: SILO II, Conseil du Trésor, décembre 1997.

LES SOCIÉTÉS D'ETAT ET AUTRES ORGANISMES

linguistiques dans les effectifs. Ainsi, 29 p. 100 des employés ayant reçu une promotion étaient francophones, et 71 p. 100 étaient anglophones.

Nous ne disposons pas de données exhaustives sur la langue maternelle des employés des sociétés d'Etat et d'autres organismes, mais le tableau III.10 fait état de la répartition des 95 p. 100 qui ont indiqué une préférence linguistique. Les francophones représentent 24,7 p. 100 de ces effectifs et les anglophones, 70 p. 100, ce qui reflète généralement le profil démographique des diverses régions où ils sont affectés. Les anglophones représentent 12,4 p. 100 de ces employés au Québec, mais au moins 8,3 p. 100 des employés au Québec n'ont pas indiqué leur langue maternelle et beaucoup d'entre eux travaillent pour Air Canada, qui a son siège social à Montréal.

CONCLUSION

Comme le montre le tableau III.11, plus de 8 000 employés d'Air Canada dans tout le pays n'ont pas indiqué leur langue maternelle, soit 38,9 p. 100 des effectifs de la société.

linguistiques dans la population.

Les effectifs fédéraux ont, malgré les compressions et les transformations qu'ils ont connues, conservé une représentation raisonnablement équitable des deux groupes linguistiques dans leurs rangs, si l'on excepte la faible participation des anglophones au Québec. Au moment où la fonction publique amorce le renouvellement de ses effectifs par des campagnes de recrutement, il serait opportun que les décideurs des organismes centraux examinent l'incidence à long terme des tendances relevées dans le recrutement sur la participation et prennent les mesures qui s'imposent pour que la fonction publique dans son ensemble continue de refléter les proportions des deux groupes linguistiques dans la population.



## INSTITUTION

Finances Canada	Année	Francophones	Anglophones	Total
Gendarmerie royale du Canada (personnel civil seulement)	1998	588	2 342	2 930
	1997	633	2 494	3 127
Grefte du Tribunal de la concurrence	1998	3	4	7
	1997			
Industrie Canada	1998	1 855	2 862	4 717
	1997	1 687	2 761	4 448
Justice Canada	1998	980	1 681	2 661
	1997	795	1 481	2 276
Office national des transports	1998	100	125	225
	1997	112	139	251
Patrimoine canadien	1998	1 653	3 477	5 130
	1997	1 639	3 711	5 350
Pêches et Océans Canada	1998	2 008	7 199	9 207
	1997	2 127	7 945	10 074
Ressources naturelles Canada	1998	1 127	2 776	3 903
	1997	1 140	2 916	4 056
Revenu Canada	1998	10 409	30 881	41 290
	1997	9 825	28 771	38 596
Santé Canada	1998	1 456	4 456	6 012
	1997	1 321	4 242	5 563
Secrétariat canadien	1998	3	3	6
	1997	4	4	8
Secrétariat des conférences inter-gouvernementales canadiennes	1998	17	3	20
	1997	17	3	20
Secrétariat du Conseil du Trésor	1998	252	328	580
	1997	251	341	595
Service correctionnel du Canada	1998	2 960	7 874	10 834
	1997	4 038	8 588	12 628
Solliciteur général du Canada	1998	65	145	210
	1997	79	140	219
Statistique Canada	1998	2 097	3 065	5 162
	1997	1 864	3 002	4 866
Transports Canada	1998	1 024	3 202	4 226
	1997	1 290	4 889	6 186
Travaux publics et Services gouvernementaux Canada	1998	4 591	6 125	10 716
	1997	4 815	6 765	11 580
Tribunal canadien du commerce extérieur	1998	39	40	79
	1997	43	37	80

Source : Conseil du Trésor, 1997 et 1998.

INSTITUTION				Année		Francophones	Anglophones	Total
Commissariats à l'information et à la protection de la vie privée du Canada	1998	37	43,5 %	48	56,5 %	85	85	85
Commission canadienne des droits de la personne	1998	76	41,5 %	107	58,5 %	183	167	167
Commission canadienne des grains	1998	28	3,9 %	681	96,1 %	709	815	709
Commission canadienne du lait	1998	35	60,3 %	23	39,7 %	58	67	58
Commission de la fonction publique du Canada	1998	713	61,0 %	455	39,0 %	1 168	1 302	1 168
Commission de l'immigration et du statut de réfugié	1998	286	36,1 %	506	63,9 %	792	862	792
Commission des droits d'auteur Canada	1998	0	0,0 %	1	100,0 %	1	1	1
Commission nationale des libérations conditionnelles	1998	96	36,9 %	164	63,1 %	260	271	260
Conseil canadien des relations du travail	1998	21	30,0 %	49	70,0 %	70	66	70
Conseil de contrôle des renseignements relatifs aux matières dangereuses Canada	1998	1	10,0 %	9	90,0 %	10	13	10
Conseil de la radiodiffusion et des télécommunications canadiennes	1998	164	50,8 %	159	49,2 %	323	350	323
Conseil d'examen du prix des médicaments brevetés Canada	1998	10	34,5 %	19	65,5 %	29	30	29
Conseil national de commercialisation des produits agricoles	1998	8	53,3 %	7	46,7 %	15	15	15
Cour canadienne de l'impôt	1998	61	52,1 %	56	47,9 %	117	125	117
Cour fédérale du Canada	1998	182	50,6 %	178	49,4 %	360	406	360
Cour suprême du Canada	1998	62	54,4 %	52	45,6 %	114	140	114
Défense nationale (personnel civil seulement)	1998	3 446	18,7 %	15 009	81,3 %	18 455	21 812	18 455
Développement des ressources humaines Canada	1998	7 434	34,5 %	14 092	65,5 %	21 526	21 203	21 526
Diversification de l'économie de l'Ouest Canada	1998	17	7,0 %	226	93,0 %	243	255	243
Elections Canada	1998	118	59,3 %	81	40,7 %	199	176	199
Environnement Canada	1998	1 090	26,7 %	2 998	73,3 %	4 088	4 131	4 088

Tableau III.8

Participation dans les ministères et organismes, 1997 et 1998

INSTITUTION				Année	Francophones	Anglophones	Total
Administration du rétablissement agricole des prairies	1998	5	0,6 %	813	99,4 %	794	799
Affaires étrangères et Commerce international	1998	1 125	33,3 %	2 253	66,7 %	2 261	3 378
	1997	1 078	32,3 %	2 261	67,7 %		3 339
Affaires indiennes et du Nord Canada	1998	576	19,0 %	2 455	81,0 %		3 031
	1997	529	19,8 %	2 148	80,2 %		2 677
Agence canadienne de développement international	1998	565	58,9 %	395	41,1 %		960
	1997	521	58,6 %	368	41,4 %		889
Agence canadienne de l'évaluation environnementale	1998	21	52,5 %	19	47,5 %		40
	1997	22	52,4 %	20	47,6 %		42
Agence de promotion économique du Canada atlantique	1998	87	24,6 %	267	75,4 %		354
	1997	95	27,9 %	245	72,1 %		340
Agence spatiale canadienne	1998	172	57,5 %	127	42,5 %		299
	1997	176	56,4 %	136	43,6 %		312
Agriculture et Agrodéveloppement Canada	1998	1 019	22,0 %	3 603	78,0 %		4 622
	1997	1 102	22,8 %	3 727	77,2 %		4 829
Anciens combattants Canada	1998	1 471	43,9 %	1 878	56,1 %		3 349
	1997	1 535	43,3 %	2 011	56,7 %		3 546
Archives nationales du Canada	1998	236	37,5 %	394	62,5 %		630
	1997	270	39,5 %	414	60,5 %		684
Bibliothèque nationale du Canada	1998	182	43,5 %	236	56,5 %		418
	1997	189	40,0 %	283	60,0 %		472
Bureau canadien d'enquête sur les accidents et la sécurité des transports	1998	57	27,7 %	149	72,3 %		206
	1997	63	29,7 %	149	70,3 %		212
Bureau de la coordination de la situation de la femme	1998	16	53,3 %	14	46,7 %		30
	1997						
Bureau des passeports	1998	224	37,0 %	381	63,0 %		605
	1997	213	42,0 %	294	58,0 %		507
Bureau du Commissaire à la magistrature fédérale	1998	30	62,5 %	18	37,5 %		48
	1997	29	58,0 %	21	42,0 %		50
Bureau du Conseil privé	1998	314	53,5 %	273	46,5 %		587
	1997	269	54,9 %	221	45,1 %		490
Bureau du secrétaire du Gouverneur général	1998	73	60,3 %	48	39,7 %		121
	1997	79	63,7 %	45	36,3 %		124
Bureau fédéral de développement régional (Québec)	1998	226	96,6 %	8	3,4 %		234
	1997	229	96,6 %	8	3,4 %		237
Centre canadien de gestion	1998	39	75,0 %	13	25,0 %		52
	1997	74	74,0 %	26	26,0 %		100
Citoyenneté et Immigration Canada	1998	1 002	25,8 %	2 876	74,2 %		3 878
	1997	889	24,0 %	2 808	76,0 %		3 697
Commissariat aux langues officielles	1998	76	69,7 %	33	30,3 %		109
	1997	79	68,7 %	36	31,3 %		115



LES NOMINATIONS ET LES PROMOTIONS

Le tableau III.9 montre qu'en 1997-1998, le recrutement de l'extérieur a amené 21 876 nouveaux employés dans la fonction publique. De ce nombre, 31,4 p. 100 ont pour langue maternelle le français, ce qui représente une légère augmentation par rapport aux 31,2 p. 100 enregistrés en 1997, et 68,6 p. 100 ont pour langue maternelle l'anglais. Dans la région de l'Atlantique (en excluant le Nouveau-Brunswick) et dans le nord et l'ouest du Canada, le recrutement de francophones a été inférieur à la place que ceux-ci tiennent dans la population (soit 1,5 p. 100 d'employés recrutés au sein d'une population qui compte près de 3 p. 100 de francophones, pour la région de l'Atlantique, et 0,9 p. 100 de francophones recrutés au sein d'une population en comptant plus de 2 p. 100, pour l'ouest et le nord du Canada). Cependant, les nombres réels d'employés recrutés dans ces deux régions étant faibles, il est difficile de tirer des conclusions à partir des données.

Au Québec, 96,5 p. 100 des nouvelles recrues étaient francophones. Au Nouveau-Brunswick et en Ontario, le recrutement de francophones dépassait légèrement la place qu'ils occupent dans la population. Si elle devait se maintenir, la tendance au recrutement pratiquement exclusif d'anglophones dans sept provinces et à celui de francophones au Québec pourrait entraîner la polarisation de la fonction publique selon la langue.

Cependant, il convient d'interpréter ces données avec prudence, étant donné que seulement 12 p. 100 des nominations visaient des postes permanents, la plus grande partie du recrutement externe concernant des emplois pour une durée déterminée. La différence est marquée si l'on compare le recrutement des deux groupes linguistiques à des postes permanents par rapport à des postes pour une période déterminée : les francophones ont fait l'objet de 17,5 p. 100 des nominations d'une durée indéterminée et ont obtenu 33,3 p. 100 des postes d'une durée déterminée.

Les promotions au sein de la fonction publique reflètent étroitement la place que tiennent les membres des deux groupes

anglophones dans les effectifs fédéraux au Québec. L'an dernier, nous avons indiqué qu'un groupe de travail présidé par la Commission de la fonction publique se penchait à nouveau sur la question et comptait préparer un rapport intitulé *La participation anglophone à la fonction publique fédérale au Québec : obstacles internes ou externes*. Le rapport devait paraître en novembre 1998 mais, au moment de mettre sous presse, il n'était pas encore disponible. Nous constatons, toutefois, que cette année la participation des anglophones est passée de 5,3 p. 100 à 6,9 p. 100. Il s'agit d'une amélioration appréciable même si cela n'équivalait qu'à la moitié de la place qu'ils tiennent dans la population.

LA PARTICIPATION SELON LES CATÉGORIES PROFESSIONNELLES

Le tableau III.7 fait état des taux de participation des deux groupes linguistiques par catégorie professionnelle. Les taux sont restés stables cette année, avec des fluctuations d'un pour cent ou moins touchant les deux groupes de la même manière. La participation des francophones dans la catégorie Gestion correspond désormais à la présence de ceux-ci dans la population canadienne, soit 25,6 p. 100 contre 25,4 p. 100 l'an dernier. La participation dans cette catégorie s'est améliorée graduellement au fil des ans. Ainsi, au début des années 1980, elle s'établissait à environ 20 p. 100. La catégorie Scientifique et professionnelle et la catégorie Technique affichent des taux de participation des francophones de 23,9 p. 100 et de 24,2 p. 100, respectivement. Les anglophones sont quelque peu sous-représentés dans les catégories Administration et service extérieur et Soutien administratif (à 68,8 et 65,6 p. 100, respectivement), tandis que les francophones, à 20,8 p. 100, sont sous-représentés dans la catégorie Exploitation.

LES MINISTÈRES

On trouvera au tableau III.8 les taux de participation dans divers ministères et organismes en 1997 et en 1998.

Tableau III.7

Participation dans la fonction publique, par catégorie d'emploi

Catégorie d'emploi	Francophones (%)	Anglophones (%)	Total (%)
Direction	721	2 091	2 812
Scientifique et professionnelle	5 224	16 623	21 847
Administration et service extérieur	21 672	47 693	69 365
Technique	3 852	12 081	15 933
Soutien administratif	16 622	31 675	48 297
Exploitation	4 770	18 124	22 894
Total	52 861	128 287	181 148

Source : Système d'information sur les postes et la classification (SIPC), Conseil du Trésor, septembre 1998.

## LA FONCTION PUBLIQUE

Même si le nombre de fonctionnaires qui travaillent dans des ministères et des organismes a diminué de 5 000 cette année,

**Tableau III.4**

Les taux de participation dans les institutions fédérales

Institutions fédérales	Francophones (%)	Anglophones (%)	Inconnu (%)	Total
Fonction publique	52 861	29,2	128 287	70,8
Sociétés d'État et autres organismes	54 507	24,7	154 786	70,0
Total	107 368	26,7	283 073	70,4
			11 734	2,9
			402 175	

Sources : Système d'information sur les postes et la classification (SIPC), Conseil du Trésor, septembre 1998.  
SILO II, Conseil du Trésor, décembre 1997.

**Tableau III.5**

Populations de langue majoritaire et minoritaire, par région

Région	Canada	Ouest et Nord	Ontario*	Région de la capitale nationale	Québec*	Atlantique
Francophones	24,6 %	2,1 %	3,7 %	35,0 %	85,9 %	12,3 %
Anglophones	73,8 %	96,2 %	94,0 %	63,8 %	13,0 %	87,7 %

\* Données excluant la région de la capitale nationale.  
Source : Données du recensement de Statistique Canada, 1996, première langue officielle parlée.

**Tableau III.6**

Participation dans la fonction publique, par région

Région	Total	Francophones (%)	Anglophones (%)
Ouest et Nord	42 377	874 (2,1)	41 503 (97,9)
Ontario*	28 322	1 311 (4,6)	27 011 (95,4)
RCN	61 043	23 994 (39,3)	37 049 (60,7)
Québec*	25 288	23 538 (93,1)	1 750 (6,9)
Atlantique	21 705	2 602 (12,0)	19 103 (88,0)
À l'étranger	1 031	287 (27,8)	744 (72,2)
Dossiers incomplets	1 382	255 (18,5)	1 127 (81,5)
TOTAL	181 148	52 861 (29,2)	128 287 (70,8)

\* Données excluant la région de la capitale nationale (RCN).  
Source : SIPC, Conseil du Trésor, septembre 1998.

## PARTIE III

Les proportions de francophones et d'anglophones sont restées stables, à 70,8 et 29,2 p. 100, respectivement (voir le tableau III.4).

## SURVOL RÉGIONAL

Le tableau III.6 indique les taux de participation dans la fonction publique, par région. La participation francophone a légèrement diminué dans l'ouest et le nord du Canada, dans les provinces de l'Atlantique et dans les bureaux à l'étranger; elle a enregistré une légère hausse dans la région de la capitale nationale (RCN) et est restée élevée au Québec. De façon générale, la composition linguistique de la fonction publique tend à refléter celle des diverses régions, à une exception près : la participation des anglophones est faible au Québec. Le nombre élevé de fonctionnaires travaillant dans la région de la capitale nationale (près du tiers du total des effectifs) et le fait que les membres de certaines grandes catégories professionnelles proviennent de la population locale au lieu de la population nationale expliquent en grande partie la légère différence entre le profil linguistique national et celui de la fonction publique. Particulièrement, les catégories Soutien administratif et Exploitation comptent près de 17 000 employés<sup>1</sup> dans la RCN, ce qui représente 9 p. 100 de toute la fonction publique. Le fait que ces catégories recrutent leurs membres à même une population locale qui compte une plus grande proportion de francophones (35 p. 100) que la population canadienne en général explique pour l'essentiel la mince différence relevée entre le profil linguistique de la fonction publique et celui du pays. Le reste tient à la faible participation des anglophones dans la fonction publique fédérale au Québec, un problème de longue date.

Chaque année, depuis plus de dix ans, nous soulevons la question de la sous-représentation des



globaux ont eu tendance à refléter la composition linguistique de la population, avec toutefois certaines variantes, selon les institutions et les catégories professionnelles.

## VUE D'ENSEMBLE

Comme l'indiquent les tableaux III.8 et III.11 mis à jour par le SCT, nous relevons des augmentations et des diminutions dans les nombres d'employés des institutions fédérales. Le nombre total d'employés dans la fonction publique fédérale a diminué de plus de 5 000, passant de 186 401 en septembre 1997 à 181 148 en septembre 1998. L'effectif total des sociétés d'État s'élevait à 221 027 employés en décembre 1997, par rapport à 215 363 en décembre 1996, ce qui représente une augmentation de plus de 5 000. Cette augmentation est en grande partie attribuable à la privatisation ou à la réorganisation de certaines institutions qui faisaient partie de la fonction publique, mais qui comptent désormais parmi les sociétés d'État. Les mutations, comme celles qui ont été effectuées dans le cadre de la création de Nav Canada et de l'Agence canadienne d'inspection des aliments, en particulier, ont contribué à l'augmentation du personnel des sociétés d'État. La diminution la plus marquée dans les ministères et les organismes a été relevée à la Défense nationale, qui a perdu plus de 3 000 employés civils à la suite de la réduction des effectifs. Nous avons également une image plus fidèle de l'identité linguistique des employés des sociétés d'État cette année puisque beaucoup moins d'employés sont recensés avec la mention « langue officielle inconnue ».

Le tableau III.4 fait état des taux de participation des francophones (26,7 p. 100) et des anglophones (70,4 p. 100) dans toutes les institutions fédérales. L'an dernier, ces taux s'élevaient à 26,6 p. 100 et 70,1 p. 100, respectivement. Pendant toute la période de réduction des effectifs dans l'administration fédérale, au cours de laquelle un bon nombre des employés les plus âgés ont pris une retraite anticipée, nous avons constaté que le taux de participation des anglophones avait diminué, reflétant le fait qu'un nombre plus élevé d'employés d'âge mûr étaient anglophones. Les niveaux d'âge des deux groupes linguistiques s'étant rapprochés, il est permis de croire que le recensement a été plus équitable sur le plan linguistique pendant les vingt dernières années.

Le tableau III.5, qui présente les données du recensement de 1996 pour le pays et par région, indique que les francophones constituent 24,6 p. 100 de la population canadienne et les anglophones, 73,8 p. 100. Étant donné que la participation dans les effectifs fédéraux se situe à l'intérieur de 3,4 points de pourcentage du profil démographique réel du Canada, nous estimons qu'elle tend bien à refléter la population canadienne. Nous remarquons particulièrement (voir ci-après) que les pourcentages dans la catégorie Gestion — où les francophones souffraient d'une sous-représentation chronique depuis un bon nombre d'années — sont très proches de ceux de la population.

régions bilingues mutés dans des régions unilingues ainsi que de la comparabilité de ces droits dans les régions unilingues. Par exemple, au Québec, aurait-on empêché un conducteur de locomotive anglophone de subir le même examen en anglais ? La plainte soulève aussi une autre question tout aussi valide : est-il acceptable qu'un examen portant sur les connaissances d'un employé serve à vérifier ses compétences linguistiques ? Le CN est d'avis que oui. Nous avons commencé à étudier la situation et ferons état de nos constatations l'an prochain.

- **Les fournisseurs en milieu de travail** — Nous avons reçu une plainte vers la fin de l'année mettant en cause le Service du matériel du quartier général de la Défense nationale, qui fait appel à un grand nombre de fournisseurs. Le plaignant avance que la présence en milieu de travail de fournisseurs, pour la plupart des anglophones unilingues, empêche les employés du Service de travailler avec eux d'utiliser le français. Notre enquête devrait nous permettre de déterminer si les gestionnaires prennent en considération les droits linguistiques des employés avant d'engager ces fournisseurs.

Bien que la majorité des plaintes relatives à la langue de travail concernent le français, nous en avons reçu 21 qui provenaient d'employés anglophones de la Société canadienne des postes travaillant dans trois bureaux différents de la région de Montréal. La plupart dénonçaient l'absence d'instruments de travail en anglais, par exemple des panneaux et des formulaires.

- **Droits linguistiques conflictuels** — Deux plaintes ont fait ressortir un problème particulier, soit celui des commis affectés à des postes unilingues français qui doivent communiquer, oralement et par écrit, avec des employés des postes occupant des postes réversibles (français ou anglais), dont certains ne parlent que l'anglais. Le premier groupe a le droit de communiquer en français, et le deuxième, celui de travailler dans la langue de son choix — l'anglais dans le cas des deux plaintes. Pour remédier à la situation, la Société canadienne des postes a dû faire preuve de créativité en établissant de nouveaux formulaires de travail bilingues et un lexique à l'intention des employés touchés. Nous suivrons ce dossier au cours de l'année qui vient.

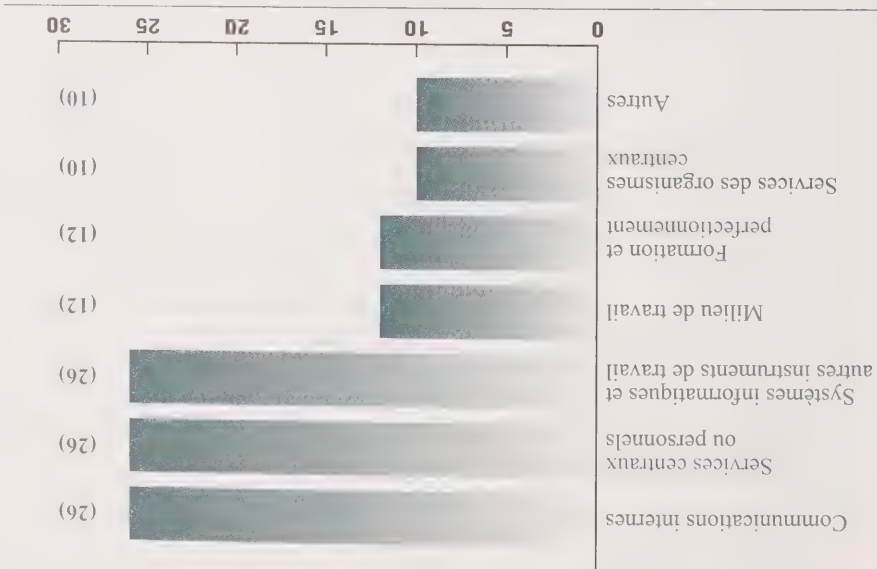
## d) LA PARTICIPATION ÉQUITABLE

### INTRODUCTION

La Partie VI de la *Loi sur les langues officielles* prévoit que les effectifs des institutions fédérales devraient tendre à refléter la présence au Canada des deux collectivités de langue officielle, compte tenu de la nature de chacune des institutions et notamment de leur mandat, de leur public et de l'emplacement de leurs bureaux. Depuis plusieurs années, les taux de participation



Figure III.5  
La langue de travail : plaintes recevables (122) par sujet, 1998



commandants d'escadron et aux gestionnaires présentée aux membres du Groupe en novembre dernier. Nous surveillerons la situation de près pour vérifier l'efficacité des mesures implantées.

**• Mauvaises traductions** — Deux plaignants ont critiqué la qualité linguistique (et le titre en anglais seulement) de la version française d'un bulletin d'information du Programme ministériel d'aide aux employés intitulé *Health Safety*, qui a été envoyé aux employés des bureaux ontariens de DRHC. La traduction était truffée d'erreurs stylistiques et grammaticales. Évidemment, les publications qui traitent de la santé et du bien-être des fonctionnaires doivent être bien comprises des membres des deux groupes linguistiques. Aussi avons-nous été heureux d'apprendre que les prochains bulletins auront des titres bilingues et que les versions françaises seront révisées avec attention.

- **Systèmes informatiques en français : accès interdit !** — Bien que le gouvernement fédéral ait eu sept ans pour assurer la disponibilité des systèmes informatiques dans les deux langues officielles (la *Loi sur les langues officielles* de 1988 avait fixé la date limite au 1<sup>er</sup> janvier 1991), nous continuons de recevoir des plaintes. En 1998, nous avons enquêté sur huit plaintes dans sept institutions fédérales différentes portant sur l'installation, dans les postes de travail d'employés francophones, de logiciels ou de systèmes d'exploitation anglais ou qui ne permettaient pas l'usage d'accents français. Dans chacun des cas, les systèmes étaient disponibles en français, mais n'ont pas été offerts aux employés dans la langue de leur choix ou n'ont pas été configurés de façon à permettre l'usage d'accents français. Les agents d'appui à la bureautique devront se montrer plus vigilants à l'avenir. Nous avons aussi reçu deux plaintes sur l'utilisation de mots anglais dans les adresses intranet de pages Web françaises. À la fin de l'année, nous avons décidé de poursuivre les discussions à ce sujet avec des représentants des organismes centraux en cause, le Conseil du Trésor et Travaux publics et Services gouvernementaux Canada. Nous ferons état des résultats de ces discussions dans le *Rapport annuel* de l'an prochain.

- **Examens en anglais seulement** — Un conducteur franco-phone de locomotive du Canadien National (CN) muté dans l'ouest du Canada s'est plaint de n'avoir pu recevoir de la documentation en français pour un examen obligatoire et de n'avoir pu subir cet examen en français alors que cela avait été possible trois ans plus tôt quand il travaillait au Québec. Cette plainte soulève la question du maintien des droits linguistiques en milieu de travail pour les employés des

Les cas suivants illustrent quelques-uns des irritants avec lesquels les fonctionnaires fédéraux doivent composer en milieu de travail.

fedéraux de la RCN, et le quart portait sur l'observation des droits linguistiques d'employés anglophones du Québec, surtout à la Société canadienne des postes. Neuf des 17 plaintes sur lesquelles nous avons enquêté au Nouveau-Brunswick traitaient de l'utilisation inadéquate du français à l'établissement de l'inspecteur de Dorchester, où nous avons fait un suivi au début de 1998.

- **Acheminer des messages électroniques** — Nous avons enquêté sur deux plaintes concernant l'acheminement du courrier électronique au sein du 76<sup>e</sup> Groupe des communications au quartier général de la Défense nationale. Les messages en question ont d'abord été envoyés à un petit groupe de destinataires, mais ils ont ensuite été acheminés, pour action ou information, suivant la chaîne de commandement, à un plus grand nombre d'employés, dont des francophones et des anglophones. Bien que le MDN dispose d'une politique sur la langue des communications internes qui, selon nous, respecte l'esprit et l'objet de la *Loi*, il semble qu'elle n'ait pas été clairement communiquée aux employés ou qu'elle ait été mal comprise. Dans sa forme actuelle, l'acheminement des messages électroniques donne lieu au traitement inéquitable des francophones, qui reçoivent des messages directement liés à leur travail en anglais seulement. En réponse aux plaintes déposées, le Groupe a distribué des exemplaires bilingues de la politique à tous les

ne satisfont pas aux exigences de leur poste bilingue. Cette situation est examinée de plus près dans les parties II et IV du présent *Rapport annuel*.

Dans son dernier *Rapport annuel sur les langues officielles*, le Conseil du Trésor reconnaît la nécessité pour les gestionnaires et les superviseurs du gouvernement fédéral de bien connaître leurs obligations et de prendre les mesures qui s'imposent pour favoriser l'usage équitable des deux langues officielles en milieu de travail; dans cette optique, il a notamment organisé une série de dix ateliers sur la langue de travail qui seront donnés dans toutes les régions bilingues. Nous exhortons les responsables du Conseil du Trésor à rappeler fréquemment et avec insistance aux gestionnaires de tous les niveaux que la qualité de leur environnement de travail bilingue est entre leurs mains. C'est pourquoi ils doivent perfectionner et conserver leurs compétences dans leur langue seconde et prendre des décisions qui permettront aux employés de leur unité d'utiliser la langue officielle de leur choix.

## APERÇU DES PLAINTES

En 1998, nous avons enquêté sur 122 plaintes relatives à la langue de travail. À première vue, cela semble représenter une baisse appréciable par rapport aux 211 plaintes de l'année précédente, mais il s'agit en fait d'une augmentation car parmi ces 211 plaintes, il y en avait 110 qui étaient identiques. Ces plaintes, déposées à la fin de 1997, concernaient deux examens d'Air Canada non disponibles en français.

Les plaintes étudiées mettaient en cause 24 institutions fédérales; presque les deux tiers des plaintes visaient cinq organismes en particulier. La Société canadienne des postes a fait l'objet de 26 plaintes, généralement déposées par des employés de langue anglaise de la région de Montréal, tandis que 16 plaintes dénonçaient l'absence de services centraux et de documentation en français à la Défense nationale, principalement au quartier général, à Ottawa. Le Service correctionnel du Canada et Développement des ressources humaines Canada (DRHC) ont tous deux suscité 13 plaintes touchant l'absence de documentation interne, de systèmes informatiques ou de formation en français. La plupart des neuf plaintes contre Travaux publics et Services gouvernementaux Canada mettaient en question les services dispensés par le Ministère aux employés fédéraux en tant qu'organisme central.

Cette année, nous n'avons remarqué aucune tendance à la hausse ni à la baisse quant aux sujets des plaintes sur la langue de travail. Comme le montre la figure III.5, la langue de communications internes, de services centraux et celle des systèmes informatiques et autres instruments de travail ont chacune compté pour environ 20 p. 100 des plaintes; les autres ont été réparties plutôt également entre chaque catégorie. Du point de vue régional, la moitié des plaintes concernaient l'impossibilité de travailler en français dans divers bureaux

À Richmond (Colombie-Britannique), une autre société doit parfois faire affaire avec des clients francophones de la Banque du Canada. Cette institution a dû clarifier les clauses linguistiques du contrat liant les deux parties à la suite d'enquêtes que nous avons menées. La société contractuelle fournit maintenant la documentation pertinente en français et a embauché une employée bilingue à sa division du traitement central à Richmond ainsi qu'un sous-traitant à Montréal afin de répondre aux demandes en français provenant du Québec.

En cette époque de décentralisation et de coopération, les institutions fédérales qui font appel aux services de tiers doivent se montrer très vigilantes à l'égard de la dualité linguistique et informer leurs partenaires contractuels des obligations qui leur incombent lorsqu'ils font affaire avec le public au nom du gouvernement canadien.

## c) LA LANGUE DE TRAVAIL

Il y a maintenant dix ans que les fonctionnaires ont le droit de travailler dans la langue officielle de leur choix dans certaines régions du pays, notamment dans la région de la capitale nationale (RCN), au Nouveau-Brunswick et dans les régions désignées du Québec et de l'Ontario, dans la mesure où la prestation de services bilingues au public prévaut sur les droits en matière de langue de travail. En termes concrets, cela veut dire que les employés qui travaillent dans ces régions ont droit aux services suivants dans la langue officielle de leur choix : services centraux et personnels, cours de formation et instruments de travail d'usage courant, y compris les systèmes informatiques. En outre, les employés occupant des postes bilingues ou réversibles (français ou anglais) ont le droit d'être supervisés dans la langue officielle de leur choix.

En plus de ces droits individuels, la Partie V de la *Loi* oblige les gestionnaires à instaurer et à maintenir un milieu de travail propice à l'usage effectif du français et de l'anglais. Ils doivent notamment voir à ce que les communications internes destinées aux deux groupes linguistiques soient bilingues et prendre les mesures voulues pour promouvoir l'usage équitable des deux langues au travail, par exemple durant les réunions.

Les vérifications et les enquêtes sur des plaintes que nous avons menées au cours des dix dernières années ne révèlent qu'une amélioration médiocre, voire nulle dans certains cas, au chapitre de la langue de travail : plusieurs fonctionnaires ne peuvent toujours pas exercer totalement leur droit de travailler en français dans la RCN et au Nouveau-Brunswick, ou en anglais au Québec, bien que dans ce dernier cas, la situation soit plus rare. Cela n'a toutefois rien de surprenant puisque plus du tiers des cadres de direction du gouvernement fédéral, pourtant censés donner l'exemple (notamment pour ce qui est de la supervision),



Il arrive fréquemment que des clients de Revenu Canada se présentent à des bureaux des services fiscaux et soient salués en anglais seulement par les réceptionnistes. (Jurel l'accueille unilingue, un des clients a dû attendre 45 minutes avant de recevoir les services d'un agent bilingue. À Regina entre autres, pour la troisième année de suite, on a demandé en anglais à une cliente de descendre à l'entrepôt du sous-sol pour y obtenir son formulaire en français. Dans un autre cas, un contribuable des Maritimes, qui avait pourtant fait connaître sa préférence pour le français, a reçu son formulaire en anglais. On est allé jusqu'à racrocher au nez d'un contribuable qui poursuivait sa demande en français. Le Ministère, à qui nous avons fait part de ces lacunes, a pris des mesures afin de mieux s'acquitter de ses obligations linguistiques et semble prêt à s'attaquer sérieusement à la recherche de solutions. Par exemple, dans le premier cas, une vérification effectuée à la fin du mois de juin confirmait qu'une réceptionniste et quatre agents bilingues étaient maintenant chargés de dispenser des services aux francophones, ce qui a notamment amélioré le temps d'attente.

Les gestionnaires de Revenu Canada ayant été mis au courant de ces impairs, nous espérons qu'ils prendront les mesures voulues pour offrir avec courtoisie le service au public dans les deux langues officielles.

Une note encourageante toutefois : à la réception du centre des services fiscaux de Vancouver, le Ministère a embauché une employée bilingue afin de servir le public en français et en anglais.

#### Les services de tiers

Lorsque des gestionnaires fédéraux ont recours aux services de tiers pour offrir certains programmes ou services, ce qui se fait de plus en plus fréquemment, il arrive que la *Loi sur les langues officielles* ne soit pas respectée. Le gestionnaire aura oublié d'inclure une clause linguistique au moment de l'élaboration du contrat ou aura omis de vérifier si la méthodologie répond aux exigences du bilinguisme à tous les stades d'exécution du projet. Deux plaintes illustrent cet état de fait.

Une société de Montréal, agissant pour le compte de la Banque de développement du Canada, avait chargé une de ses succursales de Vancouver d'effectuer des sondages par téléphone auprès de ses usagers. Toutefois, les responsables n'ont pas tenu compte de la capacité de leurs collègues de l'Ouest de s'exprimer dans les deux langues officielles. Les francophones ont donc été sondés en anglais et n'ont pu participer au processus d'évaluation du programme en français. Le contrat liant les deux parties spécifiait pourtant que les communications devaient être faites dans les deux langues officielles. La plainte aura suscité la mise en place de nouvelles procédures et d'un système de codification des échantillons de sondage en fonction de la langue de préférence du répondant afin que le siège social de la société puisse communiquer directement avec la clientèle d'expression française.

métropolitaine de Toronto. Le Ministère a convenu d'y donner suite.

Le Commissaire a aussi recommandé que le Ministère modifie les formulaires afin que la langue officielle privilégiée soit clairement indiquée, qu'il dote le centre en cause d'un conseiller bilingue, que l'accueil et les services de réception se fassent dans les deux langues officielles et que la signalisation et l'affichage soient bilingues.

#### Chute du français aux frontières du Niagara

Dans une région touristique de réputation internationale comme celle des chutes Niagara, on pourrait s'attendre à ce que les Services frontaliers des douanes du pont Queenston-Lewiston puissent s'adresser à leur clientèle dans les deux langues officielles. À tout le moins, ils devraient accueillir le public dans les deux langues officielles et faire appel à du personnel bilingue au besoin.

Quatre Canadiens, dont un couple d'expression anglaise qui réside à Toronto et l'autre d'expression française qui habite à Québec, ont constaté un profond mépris du fait français en passant la frontière. Passagers d'une même voiture, ces personnes ont été saluées en anglais seulement par l'agente des douanes. Lorsque le conducteur lui a répondu en français, elle lui a demandé : « *Do you speak English?* », ne lui a rien dit de l'existence de services en français et ne l'a pas aiguillé vers un agent bilingue.

Le témoignage de notre plaignant d'expression anglaise est révélateur. En tant que Canadien, il a eu honte du traitement infligé à ses amis et compatriotes francophones. Il trouve inacceptable qu'à cet endroit stratégique, l'image offerte par une employée fédérale ne reflète pas la dualité linguistique du pays. Les agents des douanes représentent le Canada d'une manière toute particulière, tant auprès des Canadiens que des visiteurs, car ils sont les premiers agents de l'État à accueillir les gens qui entrent au pays.

Cette plainte, qui en rejoint plusieurs relatives à d'autres postes frontaliers, nous a incitées à voir de plus près la situation au pont Queenston-Lewiston. Nous y avons constaté des incidents similaires. Ces problèmes perdurent; nous en faisons déjà état lors de vérifications effectuées en 1994. Un rapport de suivi a été envoyé au Ministère en juin 1998. Nous traitons de l'ensemble de la question des postes frontaliers à la section 1 g) de la présente partie, sous « Revenu Canada ».

#### Patience et longeur de temps...

Les citoyens canadiens francophones vivant en situation minoritaire doivent parfois s'armer de patience pour être servis en français par les fonctionnaires de certaines institutions fédérales.



des deux groupes linguistiques assistent à la même réunion, il doit y avoir un service d'interprétation simultanée.

#### Où est passé le sens de la courtoisie ?

Qu'ils résident dans l'est, dans le centre ou dans l'ouest du pays, lorsqu'ils revendiquent leur droit d'être servis dans leur langue, les usagers de langue officielle minoritaire des services de Développement des ressources humaines Canada (DRHC) se butent parfois à des attitudes pour le moins dérouterantes.

Une préposée du Centre de ressources humaines (CRH) de DRHC à Anjou a répondu à une Québécoise d'expression anglaise qu'elle n'était pas obligée de lui parler en anglais. L'employée occupait un poste désigné « français essentiel ». Elle aurait dû transférer l'appel à un agent bilingue, selon les procédures établies pour tous les CRH de la région métropolitaine de Montréal. La plainte étant fondée, le Ministère s'est engagé à poursuivre ses efforts afin de sensibiliser son personnel à l'importance de bien servir la clientèle dans la langue officielle choisie. Nous reverrons bientôt la situation à ce bureau afin d'évaluer l'efficacité de ces mesures.

Au bureau de DRHC de Saint-John (Nouveau-Brunswick), une dame qui avait demandé à être servie en français s'est fait dire au téléphone : « *I don't care, I'm just trying to do my job* » (Je m'en fiche. J'essaie simplement de faire mon travail.) Malgré son insistance, la préposée a poursuivi en lui disant : « *I don't speak French. I don't mind. I'm leaving government in six days* ». (Je ne parle pas français, ça ne me dérange pas. Je quitte le gouvernement dans six jours.) Le Ministère a présenté des excuses à la plaignante et la gérante de l'unité a confié à deux employés bilingues la responsabilité des dossiers francophones.

Au CRH de Calgary, une personne s'étant adressée en français à la réceptionniste pour obtenir un formulaire de demande de carte d'assurance sociale, a obtenu la réponse classique : « *I'm sorry, I don't speak French*. » Ayant reçu un traitement similaire du garde de sécurité, elle a demandé en anglais à la réceptionniste comment il se faisait qu'il n'y avait pas de service en français dans ce bureau fédéral. On lui a dit : « *This province is more English [...] If you want, we have someone here who can speak to you in French*. » (Vous êtes ici dans une province surtout anglophone [...]. Si vous voulez, je fais venir une employée qui sait parler français.) Ce n'est qu'après une attente de dix minutes qu'une employée bilingue est finalement venue la servir. Étant donné que cet impatir a été commis par une étudiante d'être, le Ministère entend intensifier la formation des stagiaires au chapitre des obligations linguistiques afin que ces derniers comprennent bien les responsabilités qui leur incombent en tant qu'employés fédéraux.

Enfin, la plainte d'un usager des télémessagers d'emplois en Nouvelle-Écosse aura permis de corriger une situation inéquitable à l'égard des francophones. Ceux-ci, lorsqu'ils composaient le numéro de téléphone du CRH, devaient appuyer sur le 2 pour le

## Des jeux et des fêtes

S'il est un domaine où devrait prévaloir l'image bilingue du Canada, c'est bien celui d'événements d'envergure nationale et internationale, notamment ceux subventionnés par le gouvernement fédéral. Malheureusement, nous avons été témoins cette année encore d'importantes failles de nature linguistique auprès des athlètes, des spectateurs et des bénévoles, et ce malgré les recommandations formulées par le Commissaire à la suite d'une étude effectuée en 1989 sur les événements nationaux et internationaux.

C'est connu, les athlètes choisis pour les Jeux olympiques se préparent soigneusement à cet événement où ils vont représenter leur pays à l'échelle mondiale. La visibilité est énorme puisque ce spectacle grandiose n'a lieu que tous les quatre ans. Les principaux organisateurs et porte-parole devraient donc faire en sorte que l'image bilingue du Canada, qui compte un bon nombre d'athlètes et de médaillés francophones, soit bien reflétée. Des manquements à cet égard ne sont pas passés inaperçus auprès du grand public, notamment lors de la préparation et de la tenue des Jeux de Nagano. Malheureusement, malgré les interventions du Commissaire et du Comité mixte permanent des langues officielles, des incidents similaires se sont produits à l'occasion des Jeux du Commonwealth. (Voir dans la présente partie, section 1g) sous « Patrimoine canadien ».)

Le témoignage d'un bénévole qui a fait affaire avec la Société des Jeux panaméricains nous a permis de porter à l'attention du ministère du Patrimoine canadien l'absence de Français lors des communications et des réunions visant à préparer les XIII<sup>e</sup> Jeux panaméricains qui se tiendront à Winnipeg en 1999. Notre enquête a révélé que le financement accordé par le Ministère contenait des conditions liées au bilinguisme. Les organisateurs de cette manifestation sportive internationale sont donc tenus de faire une place équitable aux deux langues officielles. Nous avons suggéré aux gestionnaires fédéraux de vérifier si les procédures mises en place sont suffisantes pour que les manifestations illustrent bien la dualité linguistique du Canada. La Société s'est engagée, pour sa part, à revoir ses produits de communication et à corriger les lacunes dans ce domaine.

Le ministère du Patrimoine canadien a précisé et diffusé la politique du Canada en ce qui concerne la tenue d'événements sportifs et le déroulement des cérémonies qui en font partie.

## La francophonie en anglais ?

La promotion de la francophonie en anglais, c'est bien, mais on ne peut s'arrêter là. Une rencontre à Edmonton, organisée par le ministère du Patrimoine canadien dans le cadre de la Semaine de la francophonie, à laquelle assistaient des particuliers franco-phones et des représentants d'institutions fédérales, s'est déroulée presque entièrement en anglais. Une plainte a eu pour effet de rappeler aux fonctionnaires la nécessité de communiquer avec le public dans les deux langues officielles. Lorsque des membres

de plaintes déposées dans cette province est passé de 99 en 1997 à 48 cette année (64 des plaintes reçues en 1997 concernaient les communications téléphoniques). Les voyageurs ont déposé 20,8 p. 100 des plaintes, dont la plupart portaient sur des manquements à l'aéroport de Vancouver.

## Initiatives du Secrétaire du Conseil du Trésor

Outre ses activités habituelles, le Secrétaire du Conseil du Trésor (SCT) a pris certaines initiatives en 1998. Une étude spéciale menée par une société privée pour le compte du SCT sur l'offre active et les services dans les deux langues officielles au téléphone révèle que, dans l'ensemble, les bureaux tenus d'offrir ces services s'acquittent bien de leurs obligations. L'étude confirme toutefois ce que le Commissariat a aussi constaté, soit que l'offre active des services est trop souvent absente. En raison principalement de différences dans la méthodologie utilisée, les résultats de cette étude en ce qui concerne la disponibilité des services sont plus positifs que ceux des vérifications effectuées par le Commissariat dans le cadre de son suivi de l'étude spéciale sur les bureaux fédéraux désignés pour répondre au public dans les deux langues officielles. (Voir dans la présente partie, section 1b) iv.)

Le SCT a profité de la tenue du Symposium national sur les langues officielles du Canada, qu'il a organisé conjointement avec les ministères de la Justice et du Patrimoine canadien, pour lancer la nouvelle version de sa publication, *Le service au public – Moi j'embarque / Service to the Public – Getting on Board*. Ce guide, qui fait état des mesures prises par le gouvernement fédéral pour améliorer les services, entre autres grâce à l'instauration de guichets uniques, a été préparé à l'intention des gestionnaires des ministères tenus d'offrir leurs services au public dans les deux langues officielles. Il s'agit là d'une initiative fort positive qui a favorisé un échange productif entre les responsables des langues officielles au sein de l'appareil fédéral.

Le SCT a aussi produit une nouvelle affiche arborant son pictogramme maintenant bien connu et le message *A votre service dans les deux langues officielles – Serving you in both official languages*. Plus de 3 000 affiches accompagnées d'une lettre rappelant aux gestionnaires leurs obligations linguistiques ont été distribuées dans les bureaux et points de service désignés bilingues en vertu du *Règlement*. Ce rappel suffira-t-il à améliorer l'offre active des services dans les deux langues officielles ? L'absence d'offre active, surtout en personne, constitue toujours le talon d'Achille du programme. Nous applaudissons à ces initiatives, mais nous croyons que le SCT doit rappeler leurs obligations linguistiques aux institutions comptant des bureaux récalcitrants et suivre de près l'évolution de la situation dans les points de service fédéraux.



Dans la capitale nationale, là où bon nombre d'institutions fédérales ont leurs plus grands bureaux, il est inacceptable que les fonctionnaires continuent d'avoir de la difficulté à travailler dans leur première langue officielle. En outre, à mesure qu'Internet prend de l'expansion, on constate un nombre croissant de plaintes alléguant que des institutions fédérales diffusent à partir de leur administration centrale leurs documents en anglais seulement.

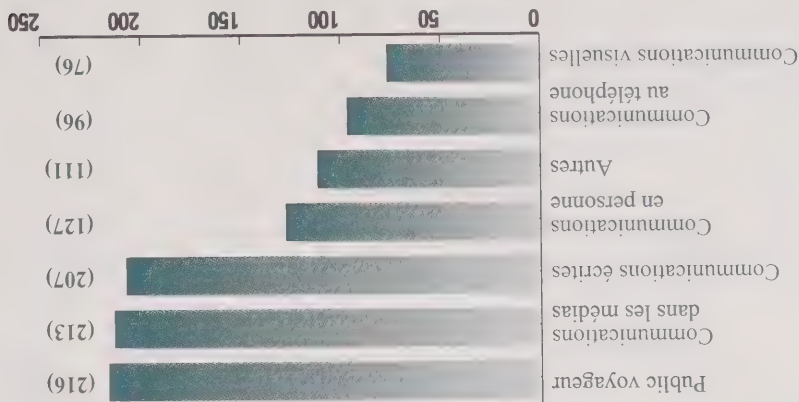
## b) LE SERVICE AU PUBLIC

Bon an mal an, les plaintes ayant trait aux difficultés du public de communiquer avec les institutions fédérales et d'en recevoir des services dans la langue officielle de son choix représentent de 75 à 80 p. 100 de l'ensemble des plaintes. Cette année ne fait pas exception avec 79,8 p. 100 des plaintes dans cette catégorie. Contrairement à l'année dernière, et comme l'indique la figure III.4, arrivent au premier rang les plaintes du public voyageur qui sont passées de 131 en 1997 à 216 cette année. Cette hausse, remarquable surtout en Ontario, est due au fait que des clients d'Air Canada et de son transporteur régional, Air Ontario, n'ont pu recevoir de service en français. Les plaintes portant sur l'absence d'annonces en français dans les médias desservant les communautés francophones vivant en situation minoritaire ont aussi augmenté, passant de 190 l'année dernière à 213 en 1998. Cette hausse est due en grande partie à l'habitude d'Air Canada et de ses transporteurs régionaux de limiter leur achat d'espaces publicitaires aux journaux anglophones.

La diminution du nombre de plaintes relatives aux communications au téléphone (de 217 en 1997 à 96 cette année) s'explique en partie par le fait que la Fédération des Franco-phones de la Colombie-Britannique (FFCB) n'a pas effectué de vérification des services fédéraux en 1998.

Figure III.4

Le service au public : plaintes recevables (1 046), 1998



Plusieurs des 111 plaintes classées dans la catégorie « autres » traitent de nouveaux modes de prestation de service adoptés par un nombre croissant d'institutions fédérales : 16 plaintes concernent des services offerts par des tiers au nom d'institutions fédérales; 13, l'utilisation de systèmes informatiques mis à la disposition du public par des institutions fédérales; et 24, la présence d'institutions fédérales sur Internet. Ces plaintes illustrent la nécessité de porter une plus grande attention à la dimension des langues officielles lors de l'élaboration de nouveaux modes de prestation de service. Étant donné l'utilisation croissante d'Internet par les institutions fédérales, le Commissaire a décidé de mener un suivi de l'étude spéciale qu'il avait publiée à ce sujet en décembre 1996. (Voir dans la présente partie, section 1 h i.) Enfin, 22 plaintes liées à la tenue d'événements publics (comme des rencontres sportives) subventionnés par le gouvernement fédéral font aussi partie de cette catégorie.

### Aperçu régional

Des 266 plaintes provenant de l'Atlantique, 68 (25,5 p. 100) dénonçaient l'absence d'annonces dans les hebdomadaires de langue française, surtout en Nouvelle-Écosse et à l'Île-du-Prince-Édouard. Pour sa part, le public voyageur a déposé 72 plaintes, dont 46 (63,8 p. 100) visaient des manquements à l'aéroport d'Hatifax. Au Québec, ce sont les communications écrites et visuelles ainsi que le service au téléphone qui ont suscité le plus grand nombre de plaintes, soit respectivement 45 (34 p. 100), 20 (15 p. 100) et 16 (12 p. 100) sur un total de 132, dont plus de 70 p. 100 provenaient d'anglophones. Les voyageurs en Ontario, qui n'avaient porté que 30 plaintes l'année dernière, en ont déposé 97 en 1998. C'est surtout à l'aéroport Lester-B.-Pearson de Toronto qu'ils n'ont pu obtenir les services auxquels ils ont droit dans la langue officielle de leur choix. Par ailleurs, les plaintes relatives aux communications téléphoniques sont passées de 40 en 1997 à 11 cette année et ne représentent plus que 4 p. 100 des 274 plaintes dans cette province.

Au Manitoba, 17 des 58 plaintes reçues (29 p. 100) portent sur les mêmes manquements. Parmi les plaintes reçues en Saskatchewan, 87 p. 100 (soit 34 sur 39) concernaient l'absence d'annonces dans *L'Eau vive*, l'hebdomadaire de langue française de Regina. L'absence d'annonces publiées en français dans *Le Franco* a également fait l'objet de plaintes en Alberta en 1998. Treize des 45 plaintes reçues (28,8 p. 100) en La FFCB n'ayant pas effectué de vérification des services des institutions fédérales en 1998, le nombre



Tableau III.3

Les institutions ayant fait l'objet de plus de 10 plaintes recevables et leur statut, 1998

MINISTÈRE/INSTITUTION	En cours	Interrompues	Non fondées	Fondées	Total
Air Canada	201 <sup>1</sup>	1	3	47	252
Développement des ressources humaines Canada	48	1	8	68	125
Société canadienne des postes	18	0	12	64	94
Service correctionnel du Canada	15	0	25	53	93
Revenu Canada	21	3	10	42	76
Travaux publics et Services gouvernementaux Canada	20	0	10	29	59
Gendarmerie royale du Canada	30	0	5	22	57
Défense nationale	17	0	2	31	50
Transports Canada	30	0	2	16	48
Patrimoine canadien	17	0	4	19	40
Industrie Canada <sup>2</sup>	12	1	4	10	27
Citoyenneté et Immigration Canada	10	0	0	13	23
Affaires étrangères et Commerce international	0	0	1	20	21
Pêches et Océans Canada	3	0	1	17	21
Conseil du Trésor	7	0	2	10	19
Banque de développement du Canada	6	0	0	13	19
Agriculture et Agroalimentaire Canada	3	0	1	14	18
Société Radio-Canada	5	0	5	2	12
Agence canadienne d'inspection des aliments	0	0	1	11	12
Environnement Canada	4	0	0	7	11
Commission de la fonction publique	5	0	0	6	11
Ministère de la Justice	5	1	2	3	11

<sup>1</sup> 180 plaintes en attente d'une décision judiciaire.  
<sup>2</sup> Inclut 10 plaintes visant la Commission canadienne du tourisme.

Ontario. Notre analyse et nos conclusions détaillées concernant ces études spéciales et d'autres initiatives se trouvent dans la présente partie, section h) iii) et v).

## RECOMMANDATIONS

Le Commissaire a fait 605 recommandations à des sous-ministres et dirigeants d'organismes afin de les inciter à prendre

des mesures correctives : 532 recommandations découlent des suivis de notre enquête de 1994 sur les services dans les deux langues officielles fournis par les bureaux désignés bilingues et 73 procédent d'études spéciales et d'enquêtes relatives à des plaintes; 280 autres recommandations, dont 22 qui proviennent des enquêtes et des études spéciales, en sont à l'étape de la rédaction, et nous en reparlerons en 1999.

En général, plus de 90 p. 100 des recommandations du Commissaire ont été mises en œuvre ou sont en voie de l'être par les institutions fédérales en cause.

En 1998, le Commissaire a

fait 605 recommandations.

## RÉGION

### DE LA CAPITALE NATIONALE

Étant donné qu'un grand nombre d'institutions fédérales ont leur administration centrale dans la région de la capitale nationale (RCN), il n'est guère étonnant que 20 p. 100 de nos enquêtes concernent ces organismes. En 1998, 258 plaintes visent des bureaux situés dans la RCN, ce qui est semblable à 1997. De ce nombre, 166 (64,3 p. 100) concernaient l'absence de services en français. Les institutions de plus grande envergure, comme Travaux publics et Services gouvernementaux Canada, la Société canadienne des postes et Développement des ressources humaines Canada (DRHC), ont fait l'objet du plus grand nombre de plaintes visant le service au public. La Défense nationale a suscité douze plaintes relatives à la langue de travail.

La nouvelle administration de l'aéroport international Macdonald-Cartier a fait l'objet de sept plaintes concernant les services aux voyageurs. Industrie Canada a été visé par dix plaintes concernant la langue de service, la langue de travail et les profils linguistiques définis pour certains postes.

Tableau III.2

Le nombre de plaintes déposées et leur traitement, la nature des plaintes recevables et les demandes de renseignements, 1998

Région	Plaintes déposées en 1997	Plaintes déposées en 1998	T R A I T E M E N T		Avis au public	Service de travail	Promotion <sup>1</sup>	Exigences linguistiques	Autres <sup>2</sup>	Demandes de renseigne- ments
			Recevables	Refusées/ Retirées						
NATURE DES PLAINTES RECEVABLES										
Terre-Neuve/ Labrador	9	21	2	19	1	17	0	0	1	0
Ile-du-Prince- Édouard	122	59	5	54	4	42	0	1	5	2
Nouvelle-Écosse	155	182	34	148	24	112	3	1	8	0
Nouveau- Brunswick	166	138	19	119	0	95	17	0	7	0
Québec <sup>3</sup>	332	230	47	183	5	132	33	0	4	9
RCN (Québec)	56	35	4	31	0	18	12	0	1	0
RCN (Ontario)	339	324	97	227	10	148	49	2	11	7
Ontario <sup>3</sup>	281	345	53	292	9	274	5	0	1	3
Manitoba	67	80	16	64	2	58	2	1	1	0
Saskatchewan	35	58	6	52	12	39	0	0	1	0
Alberta	64	56	6	50	2	45	1	0	2	0
Colombie- Britannique	109	63	13	50	0	48	0	0	1	1
Yukon	11	7	0	7	0	7	0	0	0	0
Territoires du Nord-Ouest	2	4	1	3	3	0	0	0	0	0
Étranger	13	27	16	11	0	11	0	0	0	3
TOTAL	1 761	1 629	319	1 310	72	1 046	122	5	43	22
										1 163

<sup>1</sup> Ces plaintes portent sur l'épanouissement des communautés minoritaires de langue officielle.

<sup>2</sup> Ces plaintes portent sur la participation équitable, l'administration de la justice, les procédures parlementaires, les responsabilités du Conseil du Trésor et la présence.

<sup>3</sup> Excluant la région de la capitale nationale (RCN).

<sup>1</sup> Ces plaintes portent sur l'épanouissement des communautés minoritaires de langue officielle.

<sup>2</sup> Ces plaintes portent sur la participation équitable, l'administration de la justice, les procédures parlementaires, les responsabilités du Conseil du Trésor et la préséance.

<sup>3</sup> Excluant la région de la capitale nationale (RCN).

## LES PLAIGNANTS

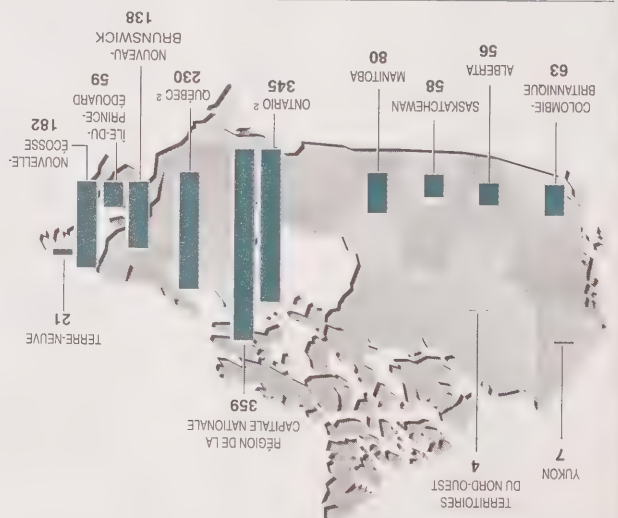
La répartition linguistique des plaignants est restée la même au fil des ans : de 80 p. 100 à 85 p. 100 de francophones et de 15 p. 100 à 20 p. 100 d'anglophones. Dans toutes les régions du Canada, la disponibilité des services dans la langue officielle de la minorité représentait le sujet de plainte le plus fréquent.

## ÉTUDES SPÉCIALES

Nos enquêtes sur les plaintes nous signalent souvent des problèmes systémiques au sujet desquels nous menons des études spéciales. Cette année, nous avons notamment entrepris une étude des services linguistiques à l'aéroport international Macdonald-Cartier, à Ottawa, et un suivi à l'égard des programmes de formation professionnelle dispensés par Développement des ressources humaines Canada (DRHC) en

Figure III.2

Les plaintes déposées (1 629<sup>1</sup>) par province ou territoire, 1998

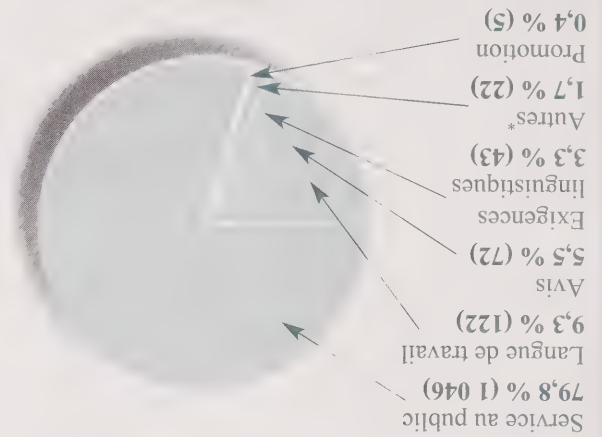


<sup>1</sup> Incluant 27 plaintes provenant de l'étranger.  
<sup>2</sup> Excluant la région de la capitale nationale.

Le tableau III.2 présente une ventilation des plaintes déposées en 1998 : 1 310 étaient recevables et ont fait l'objet d'une enquête en vertu de la *Loi sur les langues officielles*. De ce nombre, 1 046 (79,8 p.100) concernaient le service au public (voir figure III.3). Le nombre de plaintes relatives à l'information disponible sur Internet et aux services fournis par les administrations aéroportuaires récemment privatisées a augmenté. Bien qu'il y ait eu moins de plaintes visant la Partie VII de la *Loi*, celles alléguant des services insuffisants dans la langue de la minorité ont souvent une incidence sur l'épanouissement et la vitalité des

Figure III.3

La répartition des plaintes recevables (1 310), 1998



\* Ces plaintes portent sur les procédures parlementaires, l'administration de la justice, la participation équitable, les responsabilités du Conseil du Trésor et la présence.

## DEMANDES DE RENSEIGNEMENTS

Cette année encore, le Commissaire a reçu 1 163 lettres demandant de l'information sur diverses questions linguistiques au Canada. La majorité des questions étaient de nature générale, par exemple quelles universités canadiennes offrent des diplômes en traduction. Cependant, 167 de ces demandes de renseignements portaient sur des questions plus complexes et ont nécessité une recherche approfondie. Des lettres ont parfois donné lieu à des plaintes officielles et à des enquêtes exhaustives. Certains correspondants ont demandé que le Commissaire intervienne auprès d'autres ordres de gouvernement ou du secteur privé au sujet de questions se rapportant aux langues officielles.

À la fin de l'année, dans 743 enquêtes ayant été menées à bien, nous avons déterminé que les allégations des plaignants étaient fondées dans 620 cas (83 p. 100); dans 123 dossiers, les allégations ont été jugées sans fondement. Parmi les enquêtes entreprises en 1998, 553 (42 p. 100) étaient encore en cours à la fin de l'année, dont 180 dossiers concernant Air Canada qui sont en suspens en attendant l'issue de procédures judiciaires. Depuis 1991, environ 600 de nos enquêtes visant cette institution ont été suspendues en attendant une décision du tribunal.

Quatorze enquêtes n'ont pu être menées à terme pour diverses raisons, la plus fréquente étant que le plaignant décidait de retirer sa plainte ou ne pouvait fournir les précisions nous permettant de poursuivre l'instruction.

Le Service correctionnel du Canada et la Gendarmerie royale du Canada ont fait l'objet de deux fois plus de plaintes qu'en 1997. Air Canada et ses transporteurs régionaux ont été l'objet de 252 plaintes, ce qui représente une augmentation notable par rapport à 1997, où une situation en particulier avait donné lieu à 110 plaintes identiques.

Santé Canada, Via Rail, l'Agence de promotion économique du Canada atlantique, Marine Atlantique, Nav Canada, les Aéroports de Montréal, la Société canadienne d'hypothèques et de logement et Elections Canada ont fait l'objet de moins de plaintes qu'en 1997.

Le Commissaire a reçu plus de 1 600 plaintes en 1998.

Le tableau III.3 énumère les 22 institutions qui ont fait l'objet de plus de dix enquêtes en 1998. Cette liste ne varie guère d'année en année. Cependant, une institution y figure pour la première fois : la Banque de développement du Canada. Les plaintes déposées contre elle avaient trait à des annonces qui n'ont pas été placées dans les journaux des minorités linguistiques.



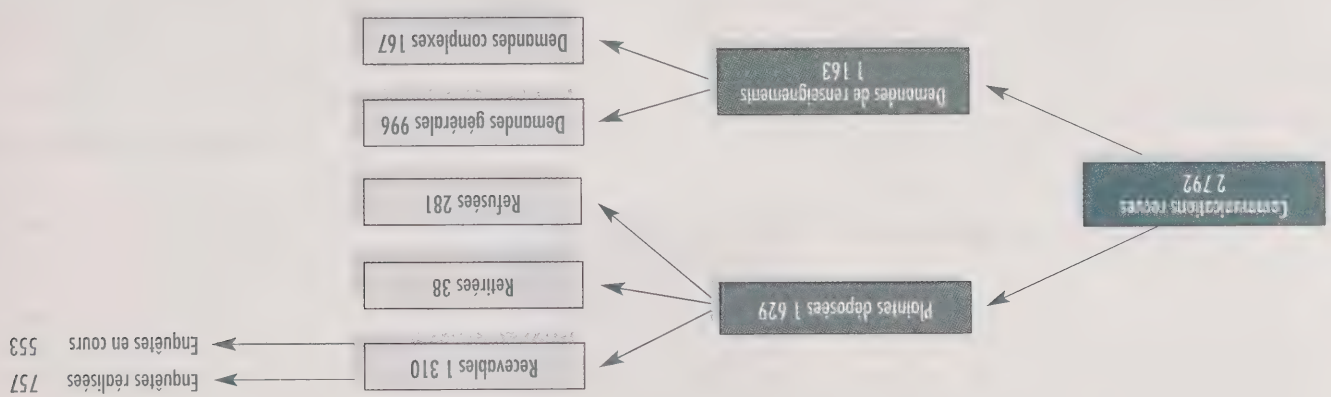
pour mettre en place des projets d'intérêt commun : formation et perfectionnement du personnel, amélioration des systèmes de traitement de plaintes, programmes d'information afin de mieux faire connaître au public ses droits et la façon de les exercer auprès de l'ombudsman. Déjà, les réponses à ses propositions ont suscité des réactions favorables qui devraient donner lieu à des résultats significatifs au cours de la prochaine année.

# a) ENQUÊTES SUR LES PLAINTES

Le public a communiqué avec le Commissaire à 2 792 occasions en 1998 pour lui demander d'intervenir dans des dossiers linguistiques. Comme le montre la figure III.1, plus de la moitié de ces communications (1 629) visaient à présenter des plaintes officielles en vue de leur instruction.

Figure III.1

Communications, 1998



Canada a confirmé que cet objectif de la Loi ne s'est pas encore concrétisé. La question est analysée plus en détail dans la présente partie, section h) iv.

La figure III.2 et le tableau III.2 font état des 1 629 plaintes reçues selon la province ou le territoire dans lequel l'infraction présumée a eu lieu. Comme par les années passées, les plaintes portées contre les institutions établies dans le centre du pays représentent plus de la moitié (934) de toutes celles déposées : 359 pour la région de la capitale nationale, 230 pour le Québec et 345 pour l'Ontario. Le nombre de plaintes contre des institutions des provinces de l'Atlantique s'élève à 400. Dans les quatre provinces de l'Ouest et dans le Nord, 268 plaintes ont été déposées. (Nous avions reçu un plus grand nombre de plaintes dans cette région en 1997 à la suite d'une étude sur les bureaux fédéraux menée par la Fédération des francophones de la Colombie-Britannique; la Fédération n'a pas repris cette initiative en 1998.)

Tableau III.1  
Les plaintes déposées au cours des ans, de 1994 à 1998

Total	Avis <sup>1</sup>	Service public ou service de travail	Langue	Promotion <sup>2</sup>	Exigences linguistiques	Autres <sup>3</sup>
1994	1 543	24	1 165	203	16	85
1995	1 552	16	1 192	238	47	30
1996	1 717	38	1 257	202	139	49
1997	1 762	31	1 399	224	37	46
1998	1 629	73	1 323	141	11	55
						26

<sup>1</sup> Les avis et annonces décrits dans l'article 11 de la Loi.  
<sup>2</sup> Ces plaintes portent sur l'épanouissement des communautés minoritaires de langue officielle.  
<sup>3</sup> Ces plaintes portent sur la participation équitable, l'administration de la justice, les procédures parlementaires, les responsabilités du Conseil du Trésor et la préséance.

## LE COMMISSAIRE, LE PUBLIC ET LES INSTITUTIONS FÉDÉRALES

### 1. LE MONDE DES OMBUDSMANS

Au cours des dernières années, le monde des ombudsmans, aussi appelés médiateurs ou protecteurs du citoyen, a connu une effervescence particulière. De nombreux pays un peu partout dans le monde, notamment en Asie, dans certaines parties de l'Afrique et en Europe de l'Est, ont assisté à la mise en place de cette fonction. À l'instar de nombreux autres pays avant eux, ils se sont dotés d'un outil démocratique capital, offrant ainsi à leurs citoyens un moyen efficace de faire respecter leurs droits face aux pouvoirs publics. Parallèlement, des structures quelque peu différentes mais également vouées à la protection du public ont pris naissance, normalement aux États-Unis et au Canada, dans d'autres secteurs de prestation de services : universités, banques, médias et sociétés commerciales ou de production. Une telle croissance entraîne son lot de questions et de démarches à privilégier. À cet effet, deux points retiennent tout particulièrement l'attention du Commissaire aux langues officielles en tant qu'ombudsman spécialisé en matière linguistique.

#### OMBUDSMAN ET TRIBUNAL

L'ombudsman est une personne nommée par un pouvoir public et dont l'indépendance est garantie par celui-ci; son rôle est de recevoir des plaintes du public en matière de services obtenus, d'instruire ces plaintes et, le cas échéant, de recommander à l'institution responsable les réparations ou les changements voulus. À cette fin, l'ombudsman utilise dans la mesure du possible les techniques de médiation, de conciliation ou de règlement de différends; la consultation; la recherche concertée de solutions acceptables et viables; la force de la conviction plutôt que celle de l'imposition; l'appel aux principes de justice naturelle plutôt qu'aux arguments d'ordre juridique; autrement dit, il adopte sa démarche à chaque situation. Le rôle de l'ombudsman se distingue de celui du tribunal dont la tâche consiste à régler les différends selon un processus formel et à rendre un jugement public exécutoire. Comparée à la démarche du tribunal, l'intervention de l'ombudsman est habituellement plus courte et, partant, moins onéreuse sur tous les plans. Le ministère de la Justice du Canada, fort de son expérience de pionnier dans ce domaine, a d'ailleurs reconnu cette réalité lorsqu'il a lancé son programme de règlement de différends, dont l'objet est « d'encourager et d'aider les ministères [...] à assurer la gestion efficace des différends, de manière novatrice et sans recourir aux tribunaux » afin de désengorger ces derniers et d'accélérer le processus à moindres frais. Le Vérificateur général du Canada



#### LE COMMISSAIRE ET SES PAIRS

La multiplication des bureaux d'ombudsmans dans des pays qui diffèrent par la culture, la langue, la forme de gouvernement et le degré de démocratie, offre une richesse d'idées et de pratiques dont chaque bureau peut s'inspirer et dans lesquelles il peut puiser pour ses propres besoins. Aussi les ombudsmans ont-ils jugé bon de se regrouper selon différents critères : pays, continent, langue, pour n'en nommer que quelques-uns. Au sein de leurs associations, les idées circulent, les valeurs se précisent, les solutions naissent, l'entraide s'installe. Bref, la profession s'affine.

Depuis plusieurs années déjà, le Commissaire s'est joint à diverses associations, dont l'Association internationale des ombudsmans (AIO). Sa présence sur les scènes nationale et internationale lui permet non seulement de tirer profit des ressources existantes, mais aussi de contribuer à la recherche commune visant à consolider cette communauté d'esprit et d'action. En 1998, il a participé à la mise sur pied de deux nouvelles associations : l'Association des ombudsmans du Canada (AOC) et l'Association des ombudsmans et médiateurs de la Francophonie (AOMF). Il siège au conseil d'administration de l'une et de l'autre. À l'initiative du Commissaire, l'AOC a choisi le Français et l'anglais comme langues de travail. L'AOMF a retenu le Commissaire comme coordonnateur de la région Amérique-

abonde dans le même sens lorsqu'il note, dans son rapport de septembre 1998, que « [...] l'établissement [...] d'un programme de médiation [...] pourrait [...] permettre de régler les plaintes plus rapidement et à moindre coût ».

À tous ces titres, le Commissariat entend jouer un rôle actif auprès de ses collègues, notamment de l'AOC et de l'AOMF.





la communication de la décision originale unilingue. Le texte de l'article 20 était clair et sa portée ne pouvait être réduite par l'établissement d'une politique prévoyant des traductions uniquement sur demande. Des contraintes budgétaires ne sauraient non plus justifier une politique qui, à première vue, allait à l'encontre de l'obligation prévue par l'article 20 :

Les contraintes budgétaires ne constituent pas des raisons valables pour ne pas rencontrer une obligation statutaire, pas plus que le fait que la CISR soit le tribunal administratif qui rend le plus de décisions au pays. La *LLC* est claire, et je ne peux que constater que l'intimée ne s'y conforme pas<sup>48</sup>.

Le demandeur a fait appel du jugement de la Section de première instance à la Cour d'appel fédérale, étant donné que ce jugement concerne l'applicabilité de l'article 18.1 de la *Loi sur la Cour fédérale* à l'action du demandeur, sa qualité pour engager une action fondée sur la violation de l'article 20 de la *Loi* et l'absence de recours de la nature d'un mandamus<sup>49</sup>. Le demandeur a demandé et obtenu le statut d'intervenant devant la Cour d'appel. Il a l'intention, entre autres choses, de soutenir que la Partie III (qui comprend l'article 20) de la *Loi* a préséance sur toutes les autres lois du Parlement (à l'exception de la *Loi canadienne sur les droits de la personne*) et que la portée de l'alinéa 18.1(3)a) de la *Loi sur la Cour fédérale* est assez large pour autoriser la Cour fédérale à sanctionner un tribunal administratif fédéral qui n'accomplit pas un acte qu'il est juridiquement tenu d'accomplir.

d'action ou recours [...] lorsque ce droit d'action ou de recours est invoqué dans des procédures autres que celles découlant de l'application de la *LLC*. Autrement dit, relativement à toute violation des dispositions de la *LLC*, les seuls recours possibles sont ceux prévus à la *LLC*, à savoir le recours prévu devant la Cour fédérale sous le paragraphe 77(1) et le mécanisme de plainte devant le

(Commissaire)<sup>45</sup>.

En ce qui concerne une action fondée sur l'article 18.1 de la *Loi sur la Cour fédérale*, le juge Nadon a fait observer qu'elle doit se rapporter à l'exercice d'un pouvoir conféré par une loi fédérale<sup>46</sup>. Il a aussi estimé que les décisions de la CISR qui étaient susceptibles d'un contrôle judiciaire en vertu de l'article 18.1 concernaient la détermination du statut des immigrants et des réfugiés :

À mon avis, ce sont ces décisions concernant le statut d'un individu dans le contexte de l'immigration et du statut de réfugié qui peuvent être le sujet d'une demande de contrôle judiciaire devant la Cour fédérale sous l'article 18.1. Ce sont ces décisions qui résultent d'une compétence ou de pouvoirs conférés à la CISR par une loi fédérale, à savoir la *Loi sur l'immigration*<sup>47</sup>.

La décision de la CISR de traduire uniquement celles de ses décisions qui font l'objet d'une demande précise de traduction (ou qui soulèvent un point de droit présentant de l'intérêt pour le public) n'a donc pas été considérée comme une manière admissible à un contrôle judiciaire aux termes de l'article 18.1 de la *Loi sur la Cour fédérale*.

La Cour fédérale a rejeté l'action du demandeur pour les motifs indiqués ci-dessus, mais elle s'est ensuite demandée néanmoins comment l'article 20 devrait être interprété et si la CISR avait rempli ses obligations aux termes de cet article. La Cour a jugé que la politique de la CISR selon laquelle ses décisions ne seront traduites que sur demande (à l'exception de l'éventail étroit de décisions qui, à son avis, soulèvent un point de droit présentant de l'intérêt pour le public) avait pour résultat net de faire en sorte que la plupart des décisions de la CISR ne seraient jamais mises à disposition dans les deux langues officielles. Cette conclusion, d'affirmer le juge Nadon, était incompatible avec l'obligation légale d'un tribunal administratif fédéral de mettre ses décisions à la disposition du public dans l'autre langue officielle, et cela « dans les meilleurs délais » après

<sup>45</sup> *Ibid.*, paragraphe 26 du jugement rendu le 1<sup>er</sup> mai 1998.

<sup>46</sup> Voir le paragraphe 28 du jugement : « À mon avis, si le requérant peut exercer, en l'instance, un recours sous l'article 18.1 de la *Loi sur la Cour fédérale*, ce recours doit en être un relatif à l'exercice par l'office

sont attribués par une loi fédérale. »

<sup>47</sup> *Ibid.*, paragraphe 30 du jugement.

<sup>48</sup> Paragraphe 52 du jugement.

<sup>49</sup> Appel déposé le 25 septembre 1998; n° du greffe A-336-98 (Cour d'appel fédérale).

le demandeur a prié la Cour fédérale (le 17 septembre 1996) de rendre une ordonnance de la nature d'un mandamus obligeant la CISR à traduire dans l'autre langue officielle toutes les décisions unilingues rendues par elle depuis sa création. Le Commissaire a demandé et obtenu le statut d'intervenant le 5 mai 1997.

Le jugement de la Cour fédérale fait une distinction entre deux dimensions inhérentes à la demande produite par le demandeur : (i) la qualité pour agir de M. Devnat lorsqu'il a, au départ, engagé son action, ainsi que la compétence de la Cour fédérale et la validité d'un mandamus en tant que redressement; et (ii) l'étendue réelle des obligations institutionnelles découlant de l'article 20 de la Loi. En ce qui concerne la première dimension, le juge Nadon a fait observer que la Partie X de la Loi prévoit qu'un plaignant, selon la Loi, peut former un recours s'il n'est pas satisfait des conclusions d'une enquête, mais seulement pour les matières se rapportant à des articles précis de la Loi :

Quiconque a saisi le Commissaire d'une plainte visant une obligation ou un droit prévus aux articles 4 à 7 et 10 à 13 ou aux Parties IV ou V, ou fondée sur l'article 91 peut former un recours devant le tribunal sous le régime de la présente partie (paragraphe 77(1) de la Loi).

Puisque l'article 20 de la Loi (qui se trouve dans la Partie III) n'est pas compris dans le champ du paragraphe 77(1), le demandeur ne pouvait l'invoquer pour établir son droit de saisir la Cour fédérale. C'est pour cette raison que le demandeur a fondé sa demande sur les dispositions du paragraphe 18.1(1) de la Loi sur la Cour fédérale :

Une demande de contrôle judiciaire peut être présentée par le procureur général du Canada ou par quiconque est directement touché par l'objet de la demande.

En ce qui concerne les recours, l'alinéa 18.1(3) a) prévoit que la Section de première instance de la Cour fédérale peut « ordonner à l'office fédéral en cause d'accomplir tout acte qu'il a illégalement omis ou refusé d'accomplir ou dont il a retardé l'exécution de manière déraisonnable ». Le demandeur soutient que les dispositions de l'article 18.1 de la Loi sur la Cour fédérale sont assez larges pour fonder son action contre la CISR. Il excipe également du paragraphe 77(5) de la Loi, qui confirme expressément tout droit d'action pouvant exister indépendamment des recours judiciaires reconnus par l'article 77 :

Le présent article ne porte atteinte à aucun autre droit d'action.

Rejetant les arguments du demandeur sur ce point, le juge Nadon a souligné que le paragraphe 77(5) de la Loi ne confère aucun droit nouveau d'action relativement à l'application de la Loi. Ce paragraphe reconnaît simplement que les droits d'action non rattachés à l'application de la Loi ne sont aucunement réduits :

À mon avis, le paragraphe 77(5) de la Loi ne confère au demandeur aucun nouveau droit d'action. Plutôt ce paragraphe permet au requérant de conserver ou d'exercer tout droit

délais dans l'autre langue officielle. Quant aux décisions restantes qui ne sont pas soumises à la règle de la simultanéité, elles doivent elles aussi être mises à la disposition du public dans l'autre langue officielle, et cela dans les meilleurs délais après avoir été rendues dans leur version unilingue (paragraphe 20(2) de la Loi).

L'obligation légale générale des tribunaux fédéraux de mettre leurs décisions à la disposition du public dans les deux langues officielles, et cela dans les meilleurs délais après qu'elles ont été rendues dans leur version originale (selon ce qu'autorise la Loi), est au centre de la procédure engagée dans l'affaire *Devinat c. Commission de l'immigration et du statut de réfugié*. Les décisions de la CISR qui sont mises à la disposition du public (après suppression de tous les renseignements personnels) sont en général publiées uniquement dans la langue dans laquelle elles ont été rendues. En d'autres termes, la CISR n'a pas pour habitude de mettre ses décisions accessibles à la disposition du public dans les deux langues officielles. Cependant, lorsqu'un membre du public demande expressément d'obtenir dans l'autre langue officielle une décision unilingue, la CISR fournit une traduction de cette décision dans un délai de 72 heures. Un avis en ce sens apparaît aujourd'hui dans une publication bimensuelle de la CISR, *Reflex*, qui met à la disposition des membres de la Commission et à la disposition du public des résumés bilingues de ses décisions récentes qui, selon elle, présentent de l'intérêt et de l'importance. Les décisions résumées dans *Reflex* peuvent être obtenues dans les bureaux de la CISR et sont accessibles, à partir de bases de données électroniques telles que *Quicklaw*, dans la langue officielle dans laquelle elles ont été rendues.

Le demandeur, dans l'affaire *Devinat*, attaque la politique de la CISR qui consiste à fournir seulement sur demande une traduction des décisions accessibles au public<sup>44</sup>. Affirmant que cela ne satisfait pas à la règle législative selon laquelle une décision rendue par un tribunal judiciaire ou quasi judiciaire fédéral dans une seule langue officielle doit ensuite être diffusée dans l'autre langue officielle, et cela « dans les meilleurs délais »,

<sup>44</sup> La CISR a aussi élaboré des lignes de conduite qui permettent de dire lesquelles de ses décisions sont suffisamment importantes pour justifier leur traduction et leur communication au public simultanément dans les deux langues officielles (après suppression de tous les renseignements personnels). Ces lignes de conduite, qui se rapportent à l'alinéa 20(1)a) de la Loi, établissent les critères permettant de dire si le point de droit en litige dans la décision présente de l'intérêt ou de l'importance pour le public. Selon les lignes de conduite, ce sera le cas lorsque : (i) la décision porte sur un point de droit inédit et impérieux, et (ii) la solution de ce point de droit est susceptible d'avoir une incidence notable sur l'évolution des règles de fond et des règles de procédure de la section concernée. Lorsque ces deux critères sont remplis, les renseignements personnels sont éliminés de la décision considérée, laquelle est alors traduite, puis mise à la disposition du public simultanément dans les deux langues officielles.



Le Commissaire soullignait l'an dernier que l'affaire *Séguin et al. c. Sa Majesté La Reine du chef de l'Ontario*<sup>39</sup> n'a pas, en fin de compte, été instruite en 1997. Les réformes de l'éducation annoncées par le ministre de l'Éducation (la loi 104 concernant, entre autres, la mise en place de 11 [ultérieurement 12] conseils scolaires de langue française et le projet de loi 160 concernant la mise en place de la réforme scolaire par l'entremise de la Commission d'amélioration de l'éducation) ont amené les parties à reporter le déroulement de l'instance jusqu'en janvier 1998. Ce délai vise à permettre aux parties d'évaluer l'impact des réformes sur les questions en litige telles que formulées dans ce recours qui visait la création d'un conseil scolaire catholique de langue française (la loi 104 créait, à compter du 1<sup>er</sup> janvier 1998, le Conseil scolaire catholique francophone de Prescott-Russell/Stormont-Dundas-Glengarry). De plus, ce recours remettait en cause l'insuffisance du financement de l'instruction en français obtenu le statut d'intervenant dans ce litige afin de clarifier l'interprétation de l'article 23 de la *Charte* et la manière dont cet article devrait être mis en application.

Le 2 décembre 1998, une conférence téléphonique a eu lieu entre les parties en présence du juge Albert Roy, saisi du dossier. L'objet de cette conférence était de déterminer si les questions en litige telles que formulées lors du dépôt des procédures puis modifiées par la suite devraient être entendues par la Cour de l'Ontario (division générale). Il s'agissait pour les parties de clarifier si les questions en litige devraient être considérées comme réglées ou abandonnées en raison des importantes modifications législatives apportées à la législation scolaire faisant l'objet du recours. Sur la question de la mise en place d'un conseil scolaire catholique de langue française pour les districts de Stormont-Dundas-Glengarry, les parties ont convenu que la création, depuis le 1<sup>er</sup> janvier 1998, du Conseil scolaire catholique francophone de Prescott-Russell/Stormont-Dundas-Glengarry réglait en principe la première question portant sur le droit de la minorité linguistique de gérer ses écoles. Sur la seconde question en litige, à savoir que la minorité linguistique a droit à un financement scolaire équitable à partir des fonds publics, les parties ont convenu d'ajouter la cause sans fixer une nouvelle date. Cette décision, confirmée par la Cour, s'appuie sur le fait que la réglementation provinciale sur le financement de l'éducation est remise en question en raison d'une autre contestation constitutionnelle présentement devant la Cour d'appel de l'Ontario<sup>40</sup>.

<sup>39</sup> *Séguin et al. c. Ontario (Sa Majesté la Reine du Chef de l'Ontario) et al.*, Cour de l'Ontario (division générale), n° de greffe 3831-92.  
<sup>40</sup> *Association des enseignants catholiques anglophones de l'Ontario et al. c. Cour de justice de l'Ontario (Division générale)* n°s de greffe 97-CV-137668 et 98-CV-139317. Jugement rendu le 22 juillet 1998 par le juge Cumming. L'appel a été entendu le 17 novembre 1998 et l'affaire était toujours en délibéré.

*La Société des Académies et Académies du Nouveau-Brunswick et al. c. Le Gouverneur en conseil et al.*

Le Commissaire mentionnait l'an dernier qu'il avait obtenu, le 29 avril 1997, la permission d'intervenir dans l'affaire de *La Société des Académies et Académies du Nouveau-Brunswick et al. c. Le Gouverneur en conseil et al.*<sup>41</sup> portant sur l'interprétation des articles 3 et 15 de la *Charte*. Ce recours est toujours au stade préliminaire alors que les parties complètent la preuve et les interrogatoires.

*Devina c. La Commission de l'immigration et du statut de réfugié*

Le Commissaire rapportait en 1996<sup>42</sup> qu'il avait obtenu le statut d'intervenant dans l'affaire *Devina c. La Commission de l'immigration et du statut de réfugié* (CISR). Cette affaire traite de l'obligation légale des tribunaux judiciaires et quasi judiciaires fédéraux de rendre leurs décisions dans les deux langues officielles<sup>43</sup>. L'article 20 de la *Loi* prévoit que, selon les circonstances, les décisions de ces tribunaux doivent être mises à la disposition du public dans les deux langues officielles, soit simultanément, soit dès que possible après qu'elles ont été rendues. La simultanéité est requise :

- a) si le point de droit en litige présente de l'intérêt ou de l'importance pour le public ;
- b) lorsque les débats se sont déroulés, en tout ou en partie, dans les deux langues officielles, ou que les actes de procédure ont été, en tout ou en partie, rédigés dans les deux langues officielles (paragraphe 20(1) de la *Loi*).

Cependant, lorsqu'un point de droit présente de l'intérêt ou de l'importance pour le public, le tribunal judiciaire ou quasi judiciaire peut passer outre à la règle stricte de la simultanéité s'il estime que cette règle entraînerait un retard qui serait préjudiciable à l'intérêt public ou qui causerait une injustice ou un inconvénient grave à l'une des parties au litige. Dans les cas de ce genre, la décision peut être rendue d'abord dans l'une des langues officielles, puis dans les meilleurs

<sup>41</sup> *Les droits linguistiques en 1997*, p. 8.

<sup>42</sup> *Les droits linguistiques en 1996*, p. 12.

<sup>43</sup> Cour fédérale du Canada, Section de première instance, n° du greffe T-2062-96. Jugement rendu par le juge Nadon le 1<sup>er</sup> mai 1998. Avant de saisir la Cour, le demandeur avait déposé une plainte en règle auprès du Commissaire (le 7 juin 1995), affirmant que la CISR contrevenait à l'article 20 de la *Loi* parce qu'elle ne mettait pas ses décisions à la disposition du public dans les deux langues officielles. Un projet de rapport fut préparé à la suite de cette plainte et les vues préliminaires du Commissaire ont été communiquées à la CISR, mais le Commissaire a décidé par la suite d'entreprendre une étude sur la manière dont les Parties III et IV de la *Loi* (qui comprennent l'article 20) sont appliquées par les tribunaux judiciaires ou quasi judiciaires fédéraux. Les travaux se rapportant à l'enquête ont donc été différés jusqu'à l'achèvement et la publication de l'étude.



viciait fondamentalement le processus de négociation. Sans un tel mécanisme, la capacité du CSF de remplir son mandat, à savoir le développement, la gestion et la surveillance des programmes scolaires en langue française, pouvait être gravement entravée :

La difficulté que pose le texte législatif actuel est que la province de la Colombie-Britannique laisse le conseil scolaire minoritaire, c'est-à-dire le CSF, traiter directement avec les conseils scolaires de la majorité. Le rôle de la province, celui de défenseur actif des droits culturels et linguistiques de la minorité francophone, est absent du texte législatif.

La loi met le CSF dans la position peu enviable d'un organisme qui doit fonctionner dans un contexte flou, sans savoir ce que l'avenir lui réserve, si ce n'est une suite de négociations avec les conseils scolaires de la majorité, et l'invitation faite au CSF par la province de faire appel à elle si le CSF avait d'aventure besoin d'elle<sup>37</sup>. [Notre traduction]

En d'autres termes, le déséquilibre des forces de négociation placerait le CSF dans une constante position de faiblesse, que l'absence d'un mécanisme de règlement des différends ne ferait qu'exacerber. Le juge a donc conclu non seulement qu'un tel mécanisme devait être prévu dans le texte législatif (ou dans un règlement), mais encore que les parties au mécanisme devaient comprendre des représentants du ministère de l'Éducation. Le juge a bien fait comprendre qu'il n'entendait pas définir les détails du mécanisme de règlement des différends que devait choisir la province, mais l'ordonnance qui disposait de la demande dont il était saisi soulignait que le ministère de l'Éducation devait être partie à un tel processus, en plus du CSF et de tout conseil scolaire majoritaire engagé dans des négociations. Il a aussi déclaré que les différends qui surgiraient dans les domaines suivants devaient être réglés par un mécanisme tripartite de règlement des différends :

1. mise en œuvre et exécution du transfert d'actifs;
2. cession des actifs partagés;
3. négociations du bail des installations qui ne seraient pas transférées;
4. tout autre différend pouvant surgir entre le CSF et un conseil scolaire de la communauté linguistique majoritaire<sup>38</sup>.

<sup>37</sup> Paragraphes 54 et 55 du jugement.

<sup>38</sup> Paragraphe 59 du jugement.

exacerbé par le fait que ni la *School Act* ni les règlements ne prévoient un mécanisme de règlement des différends. Vu ces lacunes, les demandeurs considèrent que la province ne s'est pas acquittée de son obligation constitutionnelle d'établir un régime législatif précis garantissant la bonne mise en œuvre des droits conférés par l'article 23.

Examinant d'abord les prétendues lacunes fondamentales de la *School Act* (c'est-à-dire l'absence de règles législatives précises concernant le transfert d'actifs), le juge Vickers a fait observer que, lues en même temps que l'article 23 de la *Charte*, les modifications législatives qui prévoient l'ouverture de négociations « obligent certainement le gouvernement à faire en sorte qu'une suite adéquate soit donnée à tout accord négocié entre un conseil majoritaire et le CSF ». [Notre traduction] Le juge Vickers a aussi estimé qu'il serait erroné de présumer qu'un ministre exercera d'une manière inconstitutionnelle son pouvoir discrétionnaire aux termes des modifications apportées à la *School Act*. De plus, au vu de la preuve produite, il est arrivé à la conclusion que les négociations avaient effectivement défini les écoles qui constitueraient des établissements francophones autonomes et qu'un acte translatif de propriété était en préparation. Il a reconnu que des installations autonomes étaient préférables lorsque le nombre le justifie, plutôt que des installations partagées, mais, selon lui, la propriété de bâtiments n'était pas la seule façon de s'assurer que la gestion et le contrôle de programmes dans la langue de la minorité soient entre les mains des représentants de la communauté linguistique minoritaire :

La propriété d'un établissement, en totalité ou en partie, n'est pas la seule façon de conférer la gestion et le contrôle d'un programme scolaire. Il est extrêmement difficile de voir en quoi l'utilisation de 25 p. 100 d'une installation, et le transfert correspondant de 25 p. 100 du titre de propriété dans le bien-fonds et les bâtiments, pourraient garantir une meilleure gestion et un meilleur contrôle d'un programme scolaire.

Pour ces motifs, je suis arrivé à la conclusion que le texte législatif n'est pas vicie du seul fait qu'il ne confère pas la propriété, en totalité ou en partie, des installations scolaires. Il n'est pas nécessaire qu'un régime législatif précis renferme des dispositions prévoyant la cession d'écoles ou la propriété conjointe d'écoles. En fin de compte, il se pourrait que la flexibilité au chapitre du droit de propriété soit plus à l'avantage des parties<sup>36</sup>. [Notre traduction]

Selon le juge, le texte non impératif des modifications apportées à la *School Act* à propos des négociations entre conseils scolaires répondait aux normes constitutionnelles, mais il a estimé que l'absence d'un mécanisme de règlement des différends dans la loi

<sup>36</sup> Paragraphes 46 et 47 du jugement.

qui pourraient surgir (i) dans la mise en œuvre et l'exécution des transferts d'actifs, (ii) dans la gestion des actifs partagés et (iii) dans les négociations portant sur le bail des installations qui n'étaient pas transférées<sup>34</sup>.

En ce qui concerne le transfert et l'utilisation conjointe ou séparée des actifs nécessaires à l'application des programmes scolaires, les modifications apportées à la *School Act* prévoient ce qui suit :

- Un conseil scolaire francophone et un conseil peuvent, avec l'approbation préalable du Ministre, conclure un accord pour le transfert des actifs qui sont utilisés par l'une des parties, mais qui appartiennent à l'autre partie.
- Un conseil scolaire francophone et le conseil d'un district scolaire situé dans le district scolaire francophone peuvent, avec l'approbation préalable du Ministre, conclure un accord aux fins suivantes :

- a) la construction, l'entretien, la gestion et l'utilisation des installations devant être utilisées conjointement par le conseil scolaire francophone et le conseil, ou
- b) le partage des coûts de la construction, de l'entretien ou de la gestion des installations mentionnées à l'alinéa a)<sup>35</sup>.
- [Noire traduction]

Les demandeurs estiment que ces dispositions ne forment pas un régime législatif précis permettant de donner pleinement effet aux droits conférés par l'article 23. Ils font observer que les conseils de la communauté linguistique majoritaire, qui existent depuis longtemps, ont déjà d'importants patrimoines, tandis que le Conseil scolaire francophone (CSF) n'en a aucun. Ce fait à lui seul rend impérative l'adoption de mesures immédiates pour que soient transférées au CSF des actifs équivalents. Les demandeurs soutiennent que, s'il n'est pas propriétaire de tels actifs, le CSF devra payer des loyers élevés et sera privé de tout droit de regard sur les installations partagées, sans compter que les programmes scolaires pâtiront d'un manque de permanence. L'absence de critères précis dans la loi (cette dernière prévoyant simplement l'ouverture de négociations) laisse le CSF à la merci des conseils scolaires de la communauté linguistique majoritaire au moment où il tenterait de négocier la propriété ou l'utilisation d'écoles autonomes ou d'acquiescer un espace adéquat dans les installations partagées. Le déséquilibre des forces de négociation est encore

plume du juge Vickers, le tribunal a indiqué dans quelle mesure les dispositions de fond du règlement ne respectaient pas les droits constitutionnels prévus par l'article 23 de la *Charte*. Il a estimé que plusieurs des dispositions réglementaires alors en vigueur et régissant le financement des écoles et les restrictions au pouvoir de dépenser (restrictions applicables à la FEA) ne donnaient pas effet aux garanties énoncées dans l'article 23. De plus, le tribunal a noté que les responsables de la gestion de l'instruction en français étaient tenus de négocier du mieux qu'ils le pouvaient avec les conseils scolaires de la communauté linguistique majoritaire concernant l'utilisation des espaces et des édifices nécessaires à la bonne application des programmes scolaires. Le tribunal a également jugé que l'article 23 oblige les gouvernements provinciaux à établir, lorsque le nombre le justifie, des mécanismes législatifs adéquats permettant de donner effet aux droits à l'instruction dans la langue de la minorité. La Colombie-Britannique avait établi un mécanisme au moyen d'une réglementation seulement, et la Cour suprême de la Colombie-Britannique a estimé que ce mécanisme était inadéquat.

À la suite de cette décision, le gouvernement provincial a déposé un projet de loi modifiant la *School Act*<sup>32</sup> afin de donner effet aux principes énoncés par le tribunal. Cependant, ceux qui avaient engagé des procédures judiciaires pour protester contre les lacunes de l'ancienne réglementation étaient peu satisfaits des modifications législatives, notamment parce qu'elles ne transféraient pas à la FEA la propriété d'écoles autonomes particulières ni ne prévoyaient un mécanisme de règlement des différends qui soit applicable aux négociations avec les conseils scolaires de la communauté linguistique majoritaire. D'autres procédures judiciaires ont donc été engagées<sup>33</sup> pour qu'il soit déclaré que la province de la Colombie-Britannique avait l'obligation, en vertu de l'article 23 de la *Charte* :

- de transférer à la FEA, sans frais pour la FEA, toutes les écoles francophones autonomes existantes ou leurs institutions de remplacement désignées d'un commun accord;
- de transférer à la FEA la propriété proportionnelle et la cession à égalité de toutes les écoles partagées où il n'existait pas un nombre suffisant pour justifier des écoles francophones autonomes;
- de promulguer des textes, législatifs ou réglementaires, autorisant ces transferts immédiats;
- de promulguer des textes établissant un mécanisme de règlement des différends, en vue du règlement des différends

<sup>32</sup> *School Amendment Act*, 1997 S.B.C. c. 52.

<sup>33</sup> Le juge Vickers, saisi de ce second recours, a accordé le statut d'intervenant au Commissaire, à la *Francophone Education Authority* (ci-après le Conseil scolaire francophone [CSF]) de même qu'à deux conseils scolaires majoritaires. Il a également permis aux demandeurs de procéder par voie de procès sommaire.

<sup>34</sup> *L'Association des parents francophones de la Colombie-Britannique et al. c. Sa Majesté la Reine du chef de la Colombie-Britannique*, le juge Vickers, Cour suprême de la Colombie-Britannique, 28 novembre 1998, dossier no 973287/greffe de Vancouver. (La province de la Colombie-Britannique n'a pas fait appel de cette décision.) Pour le redressement recherché par les demandeurs, voir le paragraphe 3 du jugement.

<sup>35</sup> Article 166.29 de la *School Act*, reproduit au paragraphe 22 du jugement.



*Beaulac c. La Reine (Colombie-Britannique)*

Depuis le *Rapport annuel de 1997*, le Commissaire a obtenu, le 1<sup>er</sup> septembre 1998, le statut d'intervenant dans le cadre de l'affaire *Beaulac c. La Reine (Colombie-Britannique)*<sup>27</sup> mettant en cause l'interprétation des droits linguistiques en matière criminelle. Celle-ci porte particulièrement sur l'interprétation du paragraphe 530 (4) du *Code criminel* qui permet à la Cour d'accorder la tenue d'un procès dans la langue de l'accusé ou d'un procès bilingue après l'expiration du délai prévu pour ce faire et prévu au paragraphe 530 (1) du *Code criminel*.

*Arsenault-Cameron c. Île-du-Prince Édouard*

À la fin de 1998, le Commissaire s'appropriait à soumettre à la Cour suprême du Canada une requête visant à obtenir le statut d'intervenant dans le cadre de l'affaire *Arsenault-Cameron*<sup>28</sup>, qui porte sur l'article 23 de la *Charte*.

*L'Association des parents francophones de la Colombie-Britannique et al. c. La Reine (Colombie-Britannique)*

Nous avons mentionné, dans le *Les droits linguistiques en 1996*<sup>29</sup>, que la Cour suprême de la Colombie-Britannique avait conclu, dans l'affaire *Association des parents francophones de la Colombie-Britannique et al. c. Sa Majesté la Reine du chef de la Colombie-Britannique et al.*<sup>30</sup>, que la *Francophone Education Regulation* était incompatible avec les dispositions mêmes de la *School Act* (l'instruction doit être gérée par un conseil scolaire et la *Francophone Educational Authority* (FEA) ne constitue pas un conseil scolaire) et qu'elle était, de ce seul fait, invalide<sup>31</sup>. Sous la

lui avait causées l'institution fédérale qui l'employait et qui avait violé ses droits en matière de travail (droits prévus par la Partie V de la *Loi*). Le requérant n'avait pu cependant prouver le lien de causalité entre la violation de ses droits en matière de langue de travail et tous les autres préjudices qu'il prétendait avoir subis. Il a fait appel de cette décision à la Cour d'appel fédérale, qui a entendu l'affaire le 11 mai 1998.

Dans son bref arrêt, la Cour d'appel fédérale a confirmé le large pouvoir d'appréciation conféré à la Section de première instance par le paragraphe 77(4) de la *Loi*. Cette disposition permet à la Section de première instance d'accorder la réparation qu'elle estime convenable, y compris des dommages-intérêts, lorsque la *Loi* n'est pas respectée. La Cour d'appel fédérale a déclaré qu'elle n'avait aucune raison d'intervenir dans les conclusions du juge de première instance. M. Lavigne a par la suite demandé l'autorisation de se pourvoir devant la Cour suprême du Canada. Sa demande d'autorisation a cependant été rejetée le 17 décembre 1998.

## LES INTERVENTIONS DU COMMISSAIRE DANS LE CADRE D'AUTRES INSTANCES RELATIVES AU STATUT DU FRANÇAIS ET DE L'ANGLAIS

Le paragraphe 78(3) de la *Loi sur les langues officielles* reconnaît au Commissaire le pouvoir de demander l'autorisation d'intervenir dans toute instance relative au statut ou à l'usage du français ou de l'anglais. Au fil des ans, le Commissaire a obtenu l'autorisation d'intervenir dans d'importantes affaires, dont celles concernant le droit à l'instruction dans la langue de la minorité garantie à l'article 23 de la *Charte canadienne des droits et libertés*<sup>32</sup>.

<sup>26</sup> Renvoi relatif à la *Loi sur les écoles publiques (Manitoba)*, [1993] 1 R.C.S. 839 (Cour suprême du Canada); (1990) 67 D.L.R. (4th) 488 (Cour d'appel du Manitoba); *Mahe c. Alberta*, [1990] 1 R.C.S. 342 (Cour suprême du Canada); 42 D.L.R. (4th) 514 (Cour d'appel de l'Alberta, 1987); *Reference re Minority Language Educational Rights (P.E.I.)*, (1988) 69 Nfld & P.E.L.R. 236, 49 D.L.R. (4th) 499 (Cour suprême de l'Île-du-Prince-Édouard – section d'appel); *Reference re Education Act of Ontario and Minority Language Education Rights* (1984) 10 D.L.R. (4th) 491 (Cour d'appel de l'Ontario).  
\* Note : Les *Dominion Law Reports* (D.L.R.) ne sont disponibles qu'en anglais.

<sup>27</sup> *Beaulac c. La Reine (Colombie-Britannique)*, CSC, dossier 26416. La demande d'autorisation d'appel a été accordée par la Cour suprême du Canada le 7 mai 1998. Le Procureur général du Canada ainsi que l'Association des juristes d'expression française de l'Ontario et l'Association des juristes d'expression française du Manitoba ont également obtenu le statut d'intervenant.  
<sup>28</sup> *Gouvernement de l'Île-du-Prince-Édouard c. Arsenault-Cameron et al.*; Cour suprême de l'Île-du-Prince-Édouard, Section d'appel, 24 avril 1998, dossier AD-0727, Greffe de Charlottetown, (1998), 160 D.L.R. (4th) 89, 162 Nfld. & P.E.L.R. 329 (C.A.). La demande d'autorisation d'appel a été accordée par la Cour suprême du Canada le 19 novembre 1998, C.S.C., dossier no 26682.  
<sup>29</sup> *Les droits linguistiques en 1996*, p. 13-14. Voir également l'étude d'août 1998 du Commissaire aux langues officielles, *La gestion scolaire : la mise en œuvre de l'article 23 de la Charte*, p. 136.  
<sup>30</sup> Cour suprême de la Colombie-Britannique, A-890762, greffe de Vancouver.  
<sup>31</sup> *L'Association des parents francophones de la Colombie-Britannique et al. c. Sa Majesté la Reine du chef de la Colombie-Britannique et al.*, 1996 139 D.L.R. (4th) 356. Voir un résumé dans *Les droits linguistiques en 1996*, p. 13-14.



## La demande de renvoi du Commissaire (obligations linguistiques des transporteurs régionaux d'Air Canada)

Comme nous l'avons mentionné dans le *Rapport annuel* de l'an dernier<sup>19</sup>, le Commissaire a soumis la détermination des obligations linguistiques d'Air Canada et de ses transporteurs régionaux à la Cour fédérale dans le cadre d'un renvoi aux termes de l'article 18.3 de la *Loi sur la Cour fédérale*<sup>20</sup>.

Dans sa demande déposée à la Cour fédérale le 26 mars 1997, le Commissaire posait trois questions :

- Les transporteurs régionaux, contrôlés à cent pour cent par la Société Air Canada, elle-même assujettie à la *Loi sur les langues officielles*, en vertu de l'article 10 de la *Loi sur la participation du public au capital d'Air Canada*, sont-ils assujettis aux dispositions de la *Loi*, dont la Partie IV prévoit les services au public, en vertu de l'article 3 de la *Loi* ?
- Dans la négative, les transporteurs régionaux constituent-ils des tiers agissant pour le compte d'Air Canada, au sens de l'article 25 de la *Loi* ?
- Si la réponse à la deuxième question est positive, Air Canada doit-elle veiller à ce que ses transporteurs régionaux respectent les obligations linguistiques relatives aux services au public qui lui incombent ? Quels moyens Air Canada doit-elle prendre pour ce faire ?

En réponse à la demande de renvoi déposée par le Commissaire, Air Canada déposait à la Cour fédérale une requête en rejet du renvoi, au motif que la demande n'était pas conforme aux critères établis par la Cour fédérale voulant que :

- la question doit en être une dont la solution peut mettre fin au litige dont le tribunal est saisi;
- la question doit avoir été soulevée au cours de l'instance devant le tribunal qui effectue le renvoi;
- la question doit résulter de faits qui ont été prouvés ou admis devant le tribunal;

la question doit être renvoyée à la Cour par une ordonnance du tribunal qui, en plus de formuler la question, doit relater les constatations de faits qui y ont donné naissance.

Le Commissaire soulignait l'an dernier que la juge Tremblay-Lamer de la Cour fédérale avait conclu, à l'égard de la requête d'Air Canada, que les quatre critères ont été convenablement respectés dans la demande du Commissaire, compte tenu des circonstances entourant cette demande de renvoi à la Cour<sup>21</sup>. En

<sup>19</sup> *Rapport annuel* 1997, p. 27.  
<sup>20</sup> L.R.C. (1985), c. F-27.  
<sup>21</sup> *Rapport annuel* 1997, p. 28.

conséquence, la requête d'Air Canada avait été rejetée et le renvoi pouvait procéder<sup>22</sup>.

La décision de la Cour rejetant la requête d'Air Canada a été portée en appel par la Société le 18 juillet 1998<sup>23</sup>. Les parties à l'appel, dont le Procureur général du Canada à titre d'intervenant, ont déposé leur mémoire d'appel entre novembre 1997 et janvier 1998. Les cahiers d'autorités conjoints ont été déposés par les parties à l'autome 1998. Air Canada déposait le 22 octobre 1998 la demande d'audience de l'appel. À la fin de décembre 1998, la Cour d'appel fédérale n'avait pas encore fixé la date d'audience. Le Renvoi ne pourra se poursuivre qu'après la décision de la Cour d'appel fédérale sur la requête en rejet d'Air Canada.

### Les instances engagées par des plaignants

Le 22 mai 1998, une nouvelle instance a été engagée par un plaignant qui a déposé un avis de demande contre le ministre du Revenu national en vertu de la Partie X de la *Loi*.

#### Gauthier c. Ministre du Revenu national

Dans *Gauthier c. Ministre du Revenu national*<sup>24</sup>, le demandeur recherche une ordonnance de la Cour exigeant que les bureaux de Revenu Canada à Toronto engagent des employés parlant le français afin de répondre aux demandes des personnes désirant être servies en français; une déclaration que la vérification faite auprès du demandeur n'a pas été conduite conformément aux dispositions de la *Loi* et une ordonnance afin que les résultats de cette vérification soient annulés; et des excuses formelles ainsi que des dommages-intérêts. Le rapport du Commissaire aux langues officielles sur la plainte du demandeur, qui a précédé ce recours judiciaire, a été déposé à la Cour. Ce recours en est au stade préliminaire et la date d'audience n'a pas encore été fixée.

#### Lavigne c. Développement des ressources humaines et al.

Dans le *Rapport annuel* 1996, nous parlions de la décision rendue par le juge Pinar, de la Cour fédérale du Canada, Section de première instance, dans l'affaire *Lavigne c. Développement des ressources humaines et al.*<sup>25</sup>. La Cour avait jugé que le requérant avait droit à un dédommagement de 3 000 \$ pour l'inconfort considérable et la perte de jouissance de la vie que

<sup>22</sup> *Demande de Renvoi du Commissaire aux langues officielles c. Air Canada*, décision au sujet de la requête, le 9 juillet 1997; Cour fédérale (Section de première instance); T-541-97.  
<sup>23</sup> *Demande de renvoi du Commissaire aux langues officielles c. Air Canada*, Cour d'appel fédérale, A-520-97.  
<sup>24</sup> T-1049-98.  
<sup>25</sup> [1997] 1 C.F. 305.

1. Les pièces qui ont été produites par le Commissaire à l'appui de cette requête pour des plaintes semblables et qui se rapportent à tous les services au sol fournis par Air Canada à l'aéroport international d'Halifax dépassent-elles le champ du recours prévu par la *Loi* ?
2. Le Commissaire peut-il produire comme preuve des plaintes qui ont été classées ?
3. Le Commissaire peut-il produire comme preuve des plaintes se rapportant à des situations qui se sont produites avant l'entrée en vigueur du *Règlement* ?

La position d'Air Canada, selon laquelle seuls les faits se rapportant à une plainte précise et à l'enquête y afférente peuvent être invoqués dans l'exercice d'un recours selon la Partie X de la *Loi*, a été jugée par la Cour fédérale comme une position « trop restrictive et [...] incompatible avec les objectifs généraux de la *Loi*, son caractère réparateur et sa nature quasi constitutionnelle »<sup>15</sup>. Le juge Dubé a fait observer que, selon l'article 79 de la *Loi*, sont recevables en preuve dans les recours les renseignements portant sur des plaintes de même nature concernant une même institution fédérale. Voici les propos de la Cour concernant l'article 79 :

Cet article est unique en son genre et ne se retrouve pas dans d'autres législations similaires. L'intention du législateur est clairement de présenter un contexte complet au tribunal. J'adopte donc la position du Commissaire à l'effet que le recours n'est pas limité à certains types de services au sol énumérés dans les deux plaintes spécifiques [du plaignant], mais qu'il peut viser l'ensemble des services au sol offerts par Air Canada à l'aéroport international d'Halifax.

À mon avis, le but de l'article 79 est de permettre au Commissaire de démontrer à la Cour l'existence d'un problème institutionnel qui persiste depuis un certain nombre d'années. Sans le dépôt en preuve de toutes les plaintes de même nature, la Cour ne pourra pas apprécier l'ampleur du problème et les circonstances du recours<sup>16</sup>.

La Cour a souligné aussi que la nature des plaintes faites en vertu de la *Loi* peut varier considérablement et donc influencer sur le genre de recours judiciaire qui sera demandé :

Il faut retenir que certaines plaintes formulées en vertu de la *Loi* peuvent être purement personnelles (par exemple un cours de formation refusé à un employé dans sa langue), par contre, d'autres plaintes affectent le public en général (c'est-à-dire les passagers dans un aéroport public) et ouvrent la porte à

<sup>15</sup> *Ibid*, paragraphe 16.

<sup>16</sup> *Ibid*, paragraphes 17 et 18.

<sup>17</sup> *Ibid*, paragraphe 21.

<sup>18</sup> *Ibid*, paragraphe 23.

En conséquence, la Cour fédérale a rejeté les objections de procédure d'Air Canada se rapportant à la portée du recours formé par le Commissaire et à la nature de la preuve qu'il entendait produire. Par un avis en date du 12 janvier 1998, Air Canada a fait appel de la décision du juge Dubé à la Cour d'appel fédérale. Air Canada s'est désistée de l'appel en décembre 1998. De son côté, le Commissaire a mis à jour sa preuve à l'appui de sa requête principale en août 1998 et Air Canada n'avait toujours pas déposé sa preuve au 31 décembre 1998.

Les arguments formulés par Air Canada à l'encontre de l'utilisation de renseignements se rapportant à des situations antérieures à l'adoption de règlements qui définissent ce que signifie une « demande importante » de services ont également été rejetés par la Cour. Quelle que soit la date d'adoption des règlements, le paragraphe 23(1) de la *Loi* (en vigueur depuis 1988) oblige les institutions fédérales qui offrent des services aux voyageurs à les fournir dans l'une ou l'autre des langues officielles « la ou, au Canada comme à l'étranger, l'emploi de cette langue fait l'objet d'une demande importante ». Cette obligation légale était en vigueur avant l'adoption des règlements et, puisque la société Air Canada est une institution fédérale à laquelle s'applique la *Loi*, elle était juridiquement tenue de s'y conformer.

Rien dans la *Loi* n'indique que les renseignements contenus dans les dossiers fermés, en l'occurrence des dossiers déjà considérés par le Commissaire, ne puissent être considérés à nouveau en marge de l'étude de plaintes de même nature concernant la même institution fédérale. Il semble qu'en l'espèce les dossiers fermés en question n'ont pas été fermés à la satisfaction des plaignants. Le fait que ceux-ci ne se soient pas prévalus du recours judiciaire qui leur est ouvert en vertu de la Partie X de la *Loi* ne rend pas inutiles ou irrecevables les renseignements pertinents contenus dans leurs dossiers. La *Loi* ne fait aucune distinction entre les plaintes « ouvertes » ou « fermées »<sup>18</sup>.

En ce qui concerne la question de l'information contenue dans les dossiers fermés, la Cour s'est exprimée ainsi :

d'autres renseignements très pertinents de la part d'autres plaignants. Dans le cas présent, le but de l'intervention du Commissaire n'est pas d'obtenir des excuses d'Air Canada pour satisfaire [le plaignant], mais bien de s'assurer que les obligations d'Air Canada face au public voyageur de langue française soient respectées<sup>17</sup>.



qui doivent être interprétées "de manière à promouvoir les considérations de politique fédérale qui [les] sous-tendent"<sup>12</sup>. La décision de la Cour rejetant la requête d'Air Canada a été portée en appel par la Société le 6 juillet 1998. Les parties ont déposé leur mémoire d'appel et ont adressé à la Cour d'appel fédérale une demande pour fixer la date d'audience pour l'appel. La Cour n'a pas encore confirmé la date d'audience. L'appel devrait être entendu en 1999. De son côté, le Commissaire a mis à jour sa preuve à l'appui de sa requête principale en août 1998 et Air Canada n'avait toujours pas déposé sa preuve à la fin de décembre 1998.

#### Les services au sol offerts par Air Canada à l'aéroport international d'Halifax

Air Canada fait face à des plaintes semblables en ce qui concerne les services offerts à l'aéroport international d'Halifax, plaintes qui ont elles aussi conduit à une demande du Commissaire devant la Cour fédérale<sup>13</sup>. Dans cette affaire également, Air Canada a opposé des arguments de procédure par lesquels elle contestait la portée de l'instance dont était saisie la Cour fédérale. Air Canada soutient que toute instance introduite en vertu de la Partie X de la *Loi* ne peut concerner que les circonstances particulières d'une plainte en règle. En d'autres termes, tout redressement demandé doit se rapporter directement aux lacunes particulières décelées dans une plainte. En conséquence, Air Canada exprime l'avis que toute preuve documentaire devant servir dans l'instruction d'une demande présentée par le Commissaire doit avoir un lien avec les faits d'une plainte donnée. De plus, la preuve se rapportant aux événements qui se sont produits avant le 16 décembre 1992 (date de l'adoption de règlements précisant le sens de l'expression « demande importante » de services) devrait être déclarée irrecevable en l'espèce. Sinon, d'affirmer Air Canada, un élément rétroactif sera introduit dans l'application de la *Loi*. Des preuves ont été produites relativement à d'autres plaintes concernant les services fournis à l'aéroport d'Halifax, plaintes qui ont déjà fait l'objet d'enquêtes et pour lesquelles des rapports ont été présentés, mais Air Canada soutient que ces preuves ne sont recevables que si les dossiers pertinents sont encore actifs. Si une période de 60 jours s'est écoulée depuis le rapport final et qu'aucune demande n'a été présentée par le plaignant à la Cour fédérale, la plainte devrait être considérée comme périmée et la preuve s'y rapportant devrait être considérée comme irrecevable dans l'instance en cours.

Trois points principaux ont été exposés dans la décision de la Cour fédérale<sup>14</sup> se rapportant à ces arguments de procédure :

En ce qui concerne l'argument du dossier considéré comme « fermé », la Cour a indiqué que, en l'occurrence, cette notion signifiait que le Commissaire avait reçu de l'institution visée par l'enquête l'assurance qu'elle prendrait des mesures pour corriger la situation. Cependant, si les mesures en question s'étaient révélées insatisfaisantes, le dossier fermé aurait été rouvert, et l'enquête se serait poursuivie. Le délai était purement administratif et n'était pas directement rattaché au texte de la *Loi*. Selon la Cour :

Le Commissaire est un ombudsman linguistique qui doit tenter de régler à l'amiable les questions qui sont portées à son attention, plus particulièrement les problèmes d'ordre systémique. Lorsqu'il a émis des recommandations auxquelles l'institution n'a pas donné suite, le Commissaire assure un suivi et fait des commentaires, ou émet une nouvelle recommandation. Il peut donc « fermer » ou « rouvrir » les dossiers selon les circonstances et se servir de plaintes accumulées pour établir la preuve d'un problème systémique chez une institution<sup>10</sup>.

La deuxième exception alléguée par Air Canada concernait le lien entre l'enquête approfondie entreprise par le Commissaire et les plaintes initiales. La Cour fédérale a reconnu que le Commissaire ne peut introduire une instance qu'avec le consentement d'un plaignant, et donc qu'une demande faite au tribunal doit se rapporter à une plainte, mais elle a rejeté l'argument selon lequel l'enquête approfondie constituait une initiative autonome du Commissaire :

Premièrement, l'enquête du Commissaire est clairement reliée aux 15 plaintes déjà reçues pour l'année 1994, et plus particulièrement à la dernière du plaignant, lesquelles plaintes visent directement le manque de services en français à l'aéroport international Lester-B.-Pearson à Toronto. Deuxièmement, même si le dossier du plaignant a été « fermé » au sens bureaucratique du mot, il est toujours à la disposition du Commissaire qui peut s'en servir à ses fins et exercer un recours judiciaire, avec le consentement du plaignant, lequel consentement a été déposé à l'intérieur des soixante jours, tel que prévu au paragraphe 77(2) de la *Loi*<sup>11</sup>.

Rejetant les divers arguments d'Air Canada, la Cour fédérale a aussi fait observer que la Partie X de la *Loi sur les langues officielles* (qui concerne les recours judiciaires) doit s'interpréter à la lumière des objectifs fondamentaux de la *Loi*. Sur ce point, elle s'en est référée à une décision antérieure de la Cour, dans laquelle la Cour avait déclaré que la *Loi* « [...] fait partie de cette catégorie privilégiée de lois dites quasi constitutionnelles qui expriment "certains objectifs fondamentaux de notre société" et

<sup>10</sup> *Ibid.*, paragraphe 10.  
<sup>11</sup> *Ibid.*, paragraphe 18.

<sup>12</sup> *Canada (Procureur général) c. Viola*, [1991] 1 C.F. 373 (C.A.), p. 386.  
<sup>13</sup> *Commissaire aux langues officielles c. Air Canada*, T-1989-96.  
<sup>14</sup> *Commissaire aux langues officielles c. Air Canada*, T-1989-96; le jugement se rapportant aux arguments de procédure a été rendu par le juge Dubé, le 31 décembre 1997.



par des employés bilingues dans une proportion variant entre 98 p. 100 et 100 p. 100.

Au début de 1999, le Commissaire aura l'occasion de faire le point sur l'opportunité de poursuivre le recours judiciaire formé en vertu de la *Loi*, à la lumière, notamment, des résultats fournis par Via Rail et de la vérification ponctuelle du service qu'il a menée à l'automne 1998.

**Les services au sol offerts par Air Canada à l'aéroport international Lester-B.-Pearson de Toronto**

Dans l'examen des droits linguistiques pour 1996, nous avions mentionné que le Commissaire avait déposé contre Air Canada des requêtes liées à l'absence de services bilingues à l'aéroport international Lester-B.-Pearson de Toronto<sup>8</sup>. Les plaintes se rapportant à ce manquement remontent à mars, avril et octobre 1994. Après réception de la dernière plainte, le Commissaire avait entrepris d'étudier la situation à Toronto, dans le dessein de déterminer les lacunes qu'il fallait corriger. Il a informé le plaignant de son intention de le faire, indiquant par ailleurs que le dossier se rapportant à cette dernière plainte serait fermé jusqu'à l'achèvement de l'enquête. La situation a été étudiée en profondeur, et un rapport final a été produit le 16 juillet 1996. Comme Air Canada n'a pas donné suite à ses recommandations, le Commissaire a obtenu, le 10 septembre 1996, le consentement du plaignant à l'introduction d'une instance de la propre initiative du Commissaire.

Les avocats d'Air Canada opposèrent par la suite plusieurs exceptions à la demande déposée par le Commissaire auprès de la Cour fédérale. Ils soutenaient que les plaintes sur lesquelles le Commissaire fondait sa demande figuraient dans des dossiers que sa propre institution considérait comme des dossiers fermés. Selon eux, un dossier « fermé » enlève toute possibilité au plaignant de donner son consentement à l'introduction d'une instance (au sens de l'article 78). Ils soutenaient aussi que l'enquête effectuée par le Commissaire constitue une enquête entreprise de sa propre initiative, qui ne peut, comme telle, constituer le fondement d'une demande à la Cour fédérale. Finalement, ils soutenaient que le délai de 60 jours applicable au dépôt d'une demande, un délai qui commence à courir lorsque le rapport sur les conclusions d'une enquête est remis à un plaignant, n'avait pas été respecté par le Commissaire. La Cour fédérale a maintenant rejeté sans équivoque ces arguments de procédure<sup>9</sup>.

et que le ministère de la Justice prenne les mesures voulues afin que dans les ententes actuelles et futures, conclues en vertu de l'article 65.3 de la *Loi sur les contraventions*, la poursuite des infractions aux lois fédérales en Ontario se fasse dans le respect des droits linguistiques semblables à ceux garantis par la Partie XVII du *Code criminel* et la Partie IV de la *Loi*, là où cette dernière est applicable.

III. L'obtention de toute autre réparation que la Cour estimera convenable et juste d'ordonner, en vertu du paragraphe 77(4) de la *Loi* et de la règle 53 des *Règles de la Cour fédérale* (1998), eu égard aux circonstances, afin d'assurer le respect de la *Loi* par les défendeurs.

Le Commissaire a déposé en décembre 1998 sa preuve à l'appui de la demande et le Ministère, qui a confirmé son intention de contester la demande, devra déposer sa preuve en réponse au début de l'année 1999. L'Association des juristes d'expression française de l'Ontario a déposé son avis de comparution comme partie le 18 décembre 1998 et entend déposer sa preuve d'ici la mi-janvier 1999.

**Les services offerts par Via Rail Canada dans le triangle Montréal-Ottawa-Toronto**

Ce recours du Commissaire contre la Société Via Rail Canada Inc. (Via Rail)<sup>7</sup> portait sur la disponibilité des services en français et en anglais à bord des trains circulant entre Montréal, Ottawa et Toronto ainsi que dans les gares où il y a une demande importante de services en français le long de ces parcours. Un des principaux problèmes à la base de ce recours était le fait que Via Rail déclarait ne pas pouvoir affecter le personnel bilingue voulu en raison du principe de l'ancienneté. Le Commissaire a toujours soutenu que l'application de la *Loi* ne peut être subordonnée au respect d'ententes contractuelles. Depuis le dépôt des procédures, les parties ont eu de nombreuses discussions dans le but de régler leur différend.

Au cours de la dernière année, Via Rail a apporté des changements importants à la composition et aux responsabilités des unités de travail. Ainsi, la Société a aboli le poste de chef de train et a créé un nouveau poste, bilingue, de directeur de service. Ces mesures ont été prises en vue d'améliorer l'offre et la prestation des services en français à bord des trains circulant dans le triangle Montréal-Ottawa-Toronto. Via Rail a désigné un certain nombre de postes bilingues sur ces lignes; c'est ainsi qu'il y a au moins un poste désigné bilingue en voiture-coach et un autre en voiture-club. La Société indique qu'au cours des six derniers mois, ces postes désignés bilingues ont été comblés

<sup>7</sup> *Commissaire aux langues officielles c. Via Rail Canada Inc.*, T-1389-91. Voir également le *Rapport annuel 1992*, p. 86.

<sup>8</sup> Voir *Les droits linguistiques en 1996*, p. 7-8. Voir aussi le *Rapport annuel 1995*, p. 37.

<sup>9</sup> Voir le jugement *Commissaire aux langues officielles c. Air Canada*, Cour fédérale du Canada, le 25 juin 1998, T-2043-96.

**Les instances engagées par le Commissaire**

Depuis le *Rapport annuel* de l'an dernier, le Commissaire a formé un nouveau recours avec le consentement d'un plaignant en vertu de l'alinéa 78(1a) de la *Loi sur les langues officielles*<sup>6</sup>.

**La Loi sur les conventions**

Cette instance fait suite à une plainte déposée contre le ministre de la Justice dans le contexte de la *Loi sur les conventions* adoptée en 1992 puis modifiée en 1996. Le plaignant déclarait que le Ministère ne s'était pas assuré, aux fins de l'adoption et de l'application de cette loi et de sa réglementation, de protéger les droits linguistiques du public. De plus, le Ministère ne s'était pas conformé à son engagement, en vertu de la Partie VII de la *Loi*, de consulter les minorités francophones. Après enquête, le Commissaire donna raison au plaignant et formula cinq recommandations à l'intention du Ministère. Il effectua par la suite un suivi à la mise en œuvre de ses recommandations et conclut que le Ministère n'y avait pas donné suite de façon appropriée. Le plaignant a demandé au Commissaire de former le recours en redressement prévu à la *Loi*. La demande déposée auprès de la Cour fédérale (Section de première instance), le 20 novembre 1998, vise notamment :

- I. L'obtention d'une déclaration contre les défendeurs, le gouvernement du Canada et Sa Majesté la Reine — représentés par le Procureur général du Canada — et le ministre de la Justice du Canada (ci-après les « défendeurs ») à l'effet que :

- a) les défendeurs sont assujettis à la *Loi*, de même qu'à toutes les obligations et les engagements prévus à la *Loi*, notamment aux Parties IV et VII et au *Règlement sur les langues officielles* — *communications avec le public et prestation des services*, DORS 92-48, (1992) 126 *Gazette du Canada*, II, vol. 126, no 1, 16/12/91, C.P. 1991-2541, 16 décembre 1991, p. 241 (ci-après le « *Règlement* »);
- b) les défendeurs ne respectent pas, soit directement ou par l'entremise de tiers agissant pour le compte des défendeurs aux termes de l'article 25 de la *Loi*, leurs obligations linguistiques prévues à la Partie IV de la *Loi* dans leur application de la *Loi sur les conventions*, L.C. 1992, ch. 47, telle que modifiée (L.C. 1996, ch. 7) et de ses règlements, notamment du *Règlement sur l'application de certaines lois provinciales*, DORS 96-312, (1996) 130 *Gazette du Canada*, II, vol. 130, no 14, 10/7/96, C.P. 1996-914, 20 juin 1996, p. 2116 (ci-après le « *Règlement sur l'application de certaines lois provinciales* »);

<sup>6</sup> *Commissaire aux langues officielles c. La Reine et al. (Justice Canada)*, T-2170-98.

- c) les défendeurs n'ont pas respecté leurs engagements linguistiques prévus à la Partie VII de la *Loi* dans leur adoption et application de la *Loi sur les conventions* et de ses règlements, notamment le *Règlement sur l'application de certaines lois provinciales*;

- d) les dispositions de la *Loi*, notamment celles de la Partie IV, ont préséance sur les dispositions incompatibles de la *Loi sur les conventions*, notamment les articles 65.1, 65.2 et 65.3, et de son *Règlement sur l'application de certaines lois provinciales*.

II. L'obtention d'une ordonnance contre les défendeurs afin de les obliger, à l'intérieur d'un délai à être déterminé par la Cour, à :

- a) prendre, dans l'adoption et dans l'application de la *Loi sur les conventions* et de tous ses règlements d'application, toutes les mesures nécessaires afin que le public puisse communiquer avec lui et en recevoir les services, dans l'une ou l'autre langue officielle, dans la région de la capitale nationale et ailleurs en Ontario, là où l'emploi de cette langue fait l'objet d'une demande importante, conformément à la Partie IV de la *Loi*,

- b) prendre toutes les mesures nécessaires afin de respecter la lettre et l'esprit de la Partie VII de la *Loi* dans son adoption et son application des normes législatives comprises à la *Loi sur les conventions* et de tous ses règlements d'application,
- à cet égard, que les défendeurs modifient les dispositions de la *Loi sur les conventions*, sa réglementation et tout accord pertinent de façon à assurer le respect des droits linguistiques semblables à ceux garantis à la Partie XVII du *Code criminel*, L.R.C. 1985, ch. C-46,

à cet égard, que le ministère de la Justice engage des consultations avec la minorité de langue officielle en Ontario avant de conclure une entente, en vertu de l'article 65.3 de la *Loi sur les conventions*, avec le gouvernement ontarien ou toute autorité provinciale, locale ou municipale concernée, de façon à évaluer l'impact de toute entente sur les droits linguistiques des membres du public franco-ontarien,



## 2. LES DROITS LINGUISTIQUES

### LES DÉCISIONS ET LES INSTANCES RELATIVES

#### À LA LOI SUR LES LANGUES OFFICIELLES

Aux termes du paragraphe 77(1) de la *Loi sur les langues officielles*, quiconque a saisi le Commissaire d'une plainte visant une obligation ou un droit prévu par la *Loi* peut, sous certaines conditions, former un recours devant la Section de première instance de la Cour fédérale. Ce recours est entendu et jugé en procédure sommative. La preuve est introduite par voie d'affidavits. Si la Cour fédérale conclut qu'une institution fédérale ne s'est pas conformée à la *Loi*, elle peut accorder la réparation qu'elle estime convenable et juste en regard aux circonstances. Il importe de noter que ce recours prévu par la Partie X de la *Loi* ne porte atteinte à aucun autre droit d'action.

Le Commissaire ne peut exercer un tel recours de son propre chef, mais il peut le faire au nom et avec le consentement d'un plaignant en vertu du paragraphe 78(1) de la *Loi*. Le Commissaire peut également demander l'autorisation d'intervenir comme partie à une instance déjà engagée.

Depuis l'entrée en vigueur des dispositions législatives prévoyant ce recours judiciaire, le 15 septembre 1988, le Commissaire a introduit huit demandes à la Cour fédérale avec le consentement des plaignants<sup>3</sup>; cinq sont toujours en instance<sup>4</sup>. De plus, on dénombre onze autres recours continus qui ont été engagés par des plaignants<sup>5</sup>. Dans ces demandes, le Commissaire a soit été mis en cause, soit obtenu le statut d'intervenant.

<sup>3</sup> *Commissaire aux langues officielles c. Air Canada*, T-2443-90; *Commissaire aux langues officielles c. Via Rail Canada Inc.*, T-1389-91; *Commissaire aux langues officielles c. La Reine* (Développement des ressources humaines), T-1601-94; *Commissaire aux langues officielles c. La Reine* (Défense nationale et chef d'état-major de la Défense), T-2857-96; *Commissaire aux langues officielles c. Air Canada*, T-1989-96; *Commissaire aux langues officielles c. Air Canada*, T-2043-96; *Commissaire aux langues officielles c. La Reine et al.* (Justice Canada), T-2170-98.

<sup>4</sup> *Commissaire aux langues officielles c. Via Rail Canada Inc.*, T-1389-91; *Commissaire aux langues officielles c. Air Canada*, T-1989-96; *Commissaire aux langues officielles c. Air Canada*, T-2536-96; *Commissaire aux langues officielles c. La Reine et al. (Justice Canada)*, T-2170-98.

<sup>5</sup> Au 31 décembre 1998, les instances introduites par des plaignants devant la Cour fédérale du Canada, suivant la Partie X de la *Loi*, sont les suivantes : *Stocak et al.*, T-1677-94; *Tessier c. La Reine* (Défense nationale), T-2855-94; *Leduc c. La Reine* (Affaires étrangères et Commerce international Canada), T-1953-94; *Lavigne c. La Reine* (Développement des ressources humaines), T-1977-94 (A-913-96); *Rogers c. La Reine* (Défense nationale), T-2712-95; *Dupuis c. La Reine* (Défense nationale), T-2367-96; *Gagnon c. La Reine*, T-537-96; *Duguay c. La Reine* (Défense nationale), T-1874-97; *Rogers c. Procureur général du Canada* (Service correctionnel Canada), T-195-97; *Gauthier c. Ministre du Revenu national*, T-1049-98.

connaître à tous les citoyens les avantages que la francophonie canadienne leur apporte sur le plan international. Durant l'année, une foule d'activités seront organisées selon ces thèmes.

Les préparatifs en vue du Sommet de la Francophonie vont bon train. Déjà en mai, le premier ministre du Nouveau-Brunswick, Camille Thériault, accompagné de la ministre fédérale de la Coopération internationale et ministre responsable de la Francophonie, Diane Marleau, et du ministre des Relations internationales et ministre responsable de la Francophonie du Québec, Sylvain Simard, procédait à l'ouverture officielle des bureaux du Sommet de la Francophonie à Moncton. En septembre, on a hissé devant l'hôtel de ville de Moncton le drapeau du Sommet; il y flottera jusqu'à la fin des travaux.

En marge du Sommet, qui regroupera bien sûr les chefs d'État et de gouvernements, de nombreux événements de portée internationale permettront de recevoir un grand nombre d'organisations professionnelles. Au cours de l'année, le Canada sera donc l'hôte de plusieurs colloques, symposiums, forums et réunions professionnelles. Les francophones du pays auront ainsi une occasion unique d'échanger des informations sur les diverses facettes de leur réalité avec la communauté internationale. Le Canada est appelé à jouer au sein de la Francophonie internationale un rôle primordial, comme en témoigne notamment la mise sur pied d'un Bureau francophone de la coopération internationale à la FCFAC. Ce bureau favorisera la participation des Canadiens, individuellement ou par l'intermédiaire de leurs associations, institutions ou entreprises, aux activités de développement dans la Francophonie mondiale.



L'instruction dans la langue de la minorité, de plus en plus de parents de langue française qui habitent dans les provinces et territoires autres que le Québec peuvent inscrire leurs enfants à des programmes d'enseignement offerts dans des écoles de langue française. Nous reconnaissons sans ambages que la situation n'est pas parfaite puisque certains regroupements de parents tentent toujours de faire reconnaître leurs droits par l'entremise des tribunaux. L'aventir même de l'école française dépend évidemment de la volonté des parents d'y inscrire leurs enfants. D'après les données disponibles, un nombre important de parents qui pourraient, en vertu de leur droit constitutionnel, inscrire leurs enfants à l'école française, ne l'ont pas encore fait. Afin de mieux comprendre la situation, nous avons commandé une étude portant sur les motifs pour lesquels les parents ayant droit à l'éducation en français décident d'inscrire ou non leurs enfants à l'école française.

Cette étude, mettant à contribution des groupes-témoins à Vancouver, Calgary, Sudbury et Halifax, visait à déterminer les perceptions ainsi que les motifs psychologiques, politiques et économiques qui poussent les parents francophones hors Québec à exercer ou non leur droit à l'école française. L'étude a permis de dégager dix facteurs qui incitent les parents à choisir l'école française : identification à la communauté et à la culture française; souci de préserver l'héritage culturel francophone; valorisation de la langue française; souci d'entretenir des relations étroites avec la famille étendue; importance de la connaissance des deux langues officielles et certitude que l'école française mène au bilinguisme; conviction que l'instruction en français ne se fait pas au détriment des autres matières; assurance que les élèves peuvent acquérir une bonne connaissance de l'anglais; valorisation d'un milieu de vie en français; réputation de l'école; et, enfin, acceptation par les foyers exogames de s'adapter à l'école française. Autant d'influences négatives ont cependant été cernées. L'étude a permis de préciser certaines pistes d'interventions possibles de la part des gouvernements, des autorités scolaires et des organismes communautaires.

## LA FRANCOPHONIE À L'HONNEUR

L'année 1999 sera marquée par deux événements internationaux importants pour l'ensemble des communautés francophones et acadienne du Canada : la tenue du huitième Sommet de la Francophonie à Moncton en septembre et le deuxième Congrès mondial acadien en Louisiane. Le pays des Cajuns pourra ainsi partager et faire connaître son héritage culturel. L'événement s'inscrit dans le cadre de la Francofête louisianaise qui célébrera le tricentenaire de la découverte, en 1699, des bouches du Mississippi par Pierre Le Moyne d'Iberville. Le premier congrès, Mississipi par Pierre Le Moyne d'Iberville. Le premier congrès, qui s'est déroulé en Acadie en août 1994, a été un grand succès.

Le gouvernement fédéral a proclamé 1999 l'Année de la Francophonie canadienne. Il vise ainsi trois objectifs : renforcer les liens entre les francophones de toutes les provinces et territoires; renforcer les liens entre les francophones et les anglophones; faire

francophones, universitaires, journalistes et gens du commun tant lors de la cueillette des données : recherche documentaire, questionnaires, entrevues individuelles, groupes-témoins. Ces consultations ont permis de dégager des thèmes prioritaires pour la majorité des personnes consultées : le bilinguisme, le multiculturalisme, la question québécoise, le dossier constitutionnel, le rôle des gouvernements et les transferts de pouvoirs, l'éducation et les soins de santé, l'assimilation et l'autonomie financière des communautés. La FCFAC souhaite compléter cette première démarche en lançant en 1999 une plus vaste consultation publique, qui pourrait la mener à revoir son approche.

### La migration interprovinciale : un mouvement vers l'Ouest

En avril dernier, Statistique Canada publiait des données tirées du recensement de 1996 sur la migration interprovinciale. Le comportement des membres des communautés de langue officielle vivant en situation minoritaire est, à ce chapitre, semblable à celui des communautés majoritaires. En effet, les données sur la mobilité et la migration indiquent que toutes les provinces, à l'exception de l'Île-du-Prince-Édouard, de l'Alberta et de la Colombie-Britannique, ont un solde migratoire négatif; au Yukon, les effets de la migration ont été bénéfiques, mais néfastes dans les Territoires du Nord-Ouest.

Les communautés minoritaires de langue officielle se déplacent aussi vers l'Ouest du pays. La Colombie-Britannique, l'Alberta et le Yukon sont les principaux bénéficiaires de ces migrations. La Colombie-Britannique, qui a été la destination privilégiée, a accueilli plus de 10 000 nouveaux francophones pour un gain net de près de 6 000 personnes de langue maternelle française. L'Alberta et le Yukon affichent des gains nets de 350 et 665 personnes, respectivement. Dans les autres provinces, seule la communauté francophone de l'Île-du-Prince-Édouard a bénéficié de la migration interprovinciale avec 320 arrivées de plus que le nombre des départs. Quant au Québec, les pertes nettes pour l'ensemble de la population sont de quelque 37 000 personnes; de ce nombre, les migrants ayant déclaré l'anglais comme langue maternelle représentaient un peu plus de 24 000 personnes.

Dans l'ensemble, tant chez les anglophones du Québec que chez les francophones des autres provinces et territoires, les personnes les plus susceptibles de se déplacer d'une province à l'autre sont des hommes et des femmes âgés de 24 à 29 ans. En outre, les personnes qui détiennent un diplôme universitaire sont de loin les plus mobiles. En période de changements sociaux et économiques profonds, les citoyens sont appelés à s'adapter à de nouvelles réalités. Pour un nombre croissant de Canadiens, cette adaptation peut signifier des déplacements importants.

### La mise en œuvre de l'article 23 : des choix pour les parents

Avec la mise en œuvre progressive sur l'ensemble du territoire canadien des dispositions constitutionnelles relatives aux droits à

Journée de la francophonie, le Comité national du développement des ressources humaines de la francophonie canadienne a signé un protocole d'entente avec le gouvernement fédéral. Le comité a pour mandat « de fournir des avis afin d'orienter les politiques, les programmes et les services des organismes fédéraux parties à l'entente pour que ces derniers favorisent le développement et l'épanouissement des communautés francophones en situation minoritaire ». À ce titre, le comité s'occupe de la coordination, de l'information, de la liaison, de la recherche et du développement. Le protocole est d'autant plus important qu'il a été paraphé par un ensemble d'institutions fédérales. En effet, les ententes antérieures avaient été signées à la suite de discussions avec le ministère du Développement des ressources humaines, mais les signataires du présent protocole comprennent aussi l'Agence de promotion économique du Canada atlantique, le ministre de l'Agriculture et de l'Agroalimentaire, la Banque de développement du Canada, le ministre de la Diversification de l'économie de l'Ouest, le ministre de l'Industrie, le ministre du Patrimoine canadien, le Secrétaire du Conseil du Trésor et le ministère des Travaux publics et des Services gouvernementaux.

Le 29 mai dernier, un protocole d'entente similaire a été signé entre le ministre du Développement des ressources humaines et le Réseau des groupes communautaires du Québec. Le Ministère est le seul signataire pour la partie fédérale, contrairement au protocole signé avec les organismes des communautés francophones vivant en situation minoritaire. Il serait bon que, dans un avenir prochain, ce protocole puisse inclure un nombre des signataires un ensemble d'institutions fédérales.

Le 6 juin 1998, la Fédération culturelle canadienne-française (FCCF) signalait avec le ministère du Patrimoine canadien, le Centre national des arts et le Conseil des arts du Canada un protocole intitulé *Entente de collaboration multipartite à l'appui d'un plan d'action en faveur du développement culturel et artistique des communautés francophones et acadiennes du Canada*. Cet accord, d'une durée de trois ans, vise à établir un cadre de collaboration et à consigner des engagements précis afin d'appuyer le développement culturel et artistique des communautés en favorisant la création, la production, la promotion et la diffusion d'œuvres et de produits culturels et artistiques. Cette entente, axée sur le financement de projets, se veut un instrument de collaboration souple et évolutif dont les priorités seront revues annuellement. Bien qu'elle soit de portée modeste et qu'elle privilégie le financement de projets, l'entente devrait éventuellement favoriser l'élaboration de stratégies d'intervention pour l'ensemble du secteur et inclure d'autres partenaires fédéraux.

### De nouvelles orientations ?

Les aspirations et les préoccupations des communautés de langue officielle vivant en situation minoritaire évoluent au rythme des changements sociaux, économiques et politiques. Afin de bien saisir cette évolution, la FCFAAC a mené une consultation auprès d'un échantillon représentatif : membres actifs d'associations

Au Manitoba, le juge Richard Chartier, dans le cadre d'une étude sur la qualité des services en français commandée par le ministre de la Santé et ministre responsable des services en français, Darren Praznik, recommande que l'Hôpital général de Saint-Boniface soit désigné comme l'hôpital de Winnipeg responsable d'offrir des services en français (pour plus de renseignements à ce sujet, voir la partie IV.2 du présent Rapport). Le juge Chartier souligne que, présentement, le manque de personnel bilingue ne permet pas à cet hôpital d'offrir des services de qualité en français, même si une proportion importante des patients provient des communautés francophones.

## LE DÉVELOPPEMENT DES COMMUNAUTÉS

Des ententes à renouveler, d'autres à élaborer

Depuis quatre ou cinq ans, le ministère du Patrimoine canadien conclut des ententes pluriannuelles de financement avec les associations représentatives des communautés de langue officielle vivant en situation minoritaire dans chaque province et territoire. Ces ententes doivent en principe permettre aux communautés de mieux planifier leurs activités et de répartir les fonds entre les organismes, en fonction des priorités déterminées par les communautés. Les ententes Canada-communauté visent à favoriser une plus grande concertation entre les divers intervenants communautaires, une plus grande autonomie des communautés, une meilleure allocation des ressources et une plus grande diversification des sources de financement. Cependant, cette nouvelle approche coïncide avec la diminution des fonds disponibles. Les ententes arrivent à échéance le 31 mars 1999; l'heure est donc aux bilans.

Il y a eu des progrès pour ce qui est des deux premiers objectifs, mais en ce qui concerne les deux derniers, les réalisations sont moins tangibles. Les communautés et le Ministère, qui veulent poursuivre l'expérience, ont entamé des négociations en vue de la signature de nouvelles ententes quinquennales. La FCFAAC a reçu de ses membres le mandat d'élaborer un « cadre de références » qui serait utilisé par l'ensemble des communautés. Ce document fournirait l'encadrement nécessaire à chacune des associations engagées dans les négociations et baliserait les principaux enjeux. Les communautés souhaiteraient, entre autres, que la gestion des ententes soit simplifiée, que le financement soit considérablement augmenté, que la collaboration interministérielle s'intensifie et que le Patrimoine canadien joue un rôle plus actif dans ce dossier. Au moment de mettre sous presse, le montant des fonds disponibles pour les cinq prochaines années n'avait pas été annoncé.

L'expérience, même imparfaite, des ententes Canada-communauté incite les communautés à explorer la possibilité d'adopter des mécanismes similaires dans d'autres secteurs d'activité. Ainsi, le 20 mars, dans le cadre des cérémonies de la



## SANTÉ ET SERVICES SOCIAUX

Le domaine des services de santé continue de préoccuper les communautés de langue officielle vivant en situation minoritaire. Les débats sur l'avènement de l'Hôpital Montfort demeurent à l'avant-scène de l'actualité. Le groupe S.O.S. Montfort a décidé de contester devant les tribunaux la validité de la décision de la Commission de restructuration des services de santé. Parallèlement à cette initiative, le Commissaire a poursuivi ses efforts, de concert avec d'autres intéressés, pour faire de l'Hôpital Montfort un centre de formation de professionnels de la santé de langue française pour les communautés minoritaires de tout le pays.

Le débat sur l'avènement de l'Hôpital Montfort a amené l'ensemble des communautés minoritaires de langue française à s'assurer de la disponibilité des services de santé dans leur langue. Ainsi, en juillet dernier, la FCFAC a demandé à la Conférence ministérielle sur les affaires francophones, réunie à Whitehorse, de se pencher sur le problème des soins de santé en français. Cette conférence, qui rassemble des représentants des gouvernements fédéral, provinciaux et territoriaux, s'est engagée à étudier la situation de la formation en français des professionnels de la santé et à examiner la prestation des soins de santé en français. Signalons que le Québec siège à cette conférence à titre d'observateur.

Au début de l'été, la FCFAC a rendu publique une étude intitulée *Gardons notre santé : étude sur le dossier de la santé chez les francophones et Acadiens* qui brosse à grands traits un tableau de la situation des services de santé dans les communautés francophones dans les provinces et territoires autres que le Québec. On constate qu'en dehors du Nouveau-Brunswick et de l'Ontario, les services de santé en français sont peu disponibles. Même dans ces deux provinces et plus particulièrement en Ontario, il y a d'importantes lacunes. Le rapport note cependant qu'étant donné la dispersion des communautés, on peut difficilement s'attendre à la mise en place de services très spécialisés sur l'ensemble du territoire canadien. Toutefois, les services de première et de deuxième lignes devraient être disponibles en français dans la vaste majorité des communautés. Le rapport propose la création de conseils de santé régionaux francophones responsables de la mise en place et de la gestion de tels services.

(En janvier 1999, le gouvernement fédéral a octroyé à l'Université d'Ottawa la somme de 10 millions de dollars pour la formation en français de 30 médecins et 60 professionnels de la santé d'autres disciplines au cours des cinq prochaines années.)

Au Québec, la disponibilité des services de santé en anglais ne cesse d'inquiéter la communauté anglophone. Lorsqu'ils s'est agi du renouvellement des plans d'accès aux services en anglais des régions régionales de la santé, prévu par la loi et en vigueur depuis plusieurs années, le gouvernement a sollicité l'avis de l'Office de la langue française et demandé aux régions régionales de les revoir. À la fin de l'année, le gouvernement n'avait

donné suite à la recommandation, formulée dans son étude sur les transformations, de créer un groupe de travail afin d'examiner cette question. Il a exprimé l'espoir que le processus des transformations gouvernementales ne contribuera pas à l'érosion des droits linguistiques des Canadiens et a déclaré qu'il ne cessera pas de se montrer vigilant et d'exercer des pressions à ce sujet.

Dans sa lutte contre le déficit, le gouvernement fédéral s'est efforcé de diminuer les dépenses publiques. Par conséquent, les fonds consacrés à l'appui des communautés de langue officielle vivant en situation minoritaire ont été considérablement réduits au cours des dernières années. Les effets de ces compressions budgétaires ont été l'objet premier de la computation des représentants de la FCFAC à l'automne. Le président de la Fédération, Gino LeBlanc, a lancé un vibrant appel au gouvernement fédéral en demandant non seulement la fin des restrictions, mais aussi des augmentations budgétaires appréciables pour l'ensemble des activités liées aux langues officielles. Les membres du Comité ont été attentifs à son plaidoyer.

Lors de la toute dernière séance de l'année, les représentants de la collectivité anglophone des Cantons de l'Est, la Townshipers' Association, ont tenus des propos similaires et ont déploré la rareté des fonds disponibles provenant du ministère du Patrimoine canadien. Les témoins ont souligné les difficultés auxquelles leur communauté doit faire face; au cours des années, celle-ci s'était dotée d'un important réseau d'institutions, qui s'est depuis lors considérablement effrité. Ils ont invité le gouvernement à revoir les critères d'affectation des fonds afin de tenir compte des nouvelles réalités.

Par ailleurs, l'Association des juristes d'expression française de l'Ontario (AJEFO) a fait part aux membres du Comité parlementaire de ses préoccupations à l'égard de la *Loi sur les conventions*. Le problème remonte à 1992 alors que le Parlement canadien a adopté cette loi afin de simplifier les procédures lors des poursuites pour infractions non criminelles punissables sur déclaration sommaire de culpabilité. Dans le cadre d'amendements subséquents, le Parlement a autorisé le ministre fédéral de la Justice à signer des ententes avec les provinces et même avec les autorités municipales ou locales afin de permettre à ces instances de poursuivre elles-mêmes les infractions aux lois fédérales en cause. L'AJEFEO déplore que la *Loi sur les conventions* ne garantisse pas le maintien des droits linguistiques lorsque les provinces ou les municipalités prennent en charge la poursuite de conventions fédérales. Les représentants de l'AJEFEO ont fait état d'une plainte déposée auprès du Commissaire aux langues officielles et du rapport de ce dernier qui confirme, selon eux, que le ministère de la Justice du Canada n'a pas tenu compte de ses obligations en vertu de la *Loi sur les langues officielles*.



Le 17 mars, le président de l'Association olympique canadienne comparaisait devant le Comité afin de réagir aux critiques concernant le fait que, dans le cadre d'une réception organisée pour l'équipe olympique canadienne, les activités s'étaient déroulées surtout en anglais. Le témoin a reconnu que l'équilibre entre le français et l'anglais lors de cette réception n'était pas conforme à la politique de l'Association. Il a rappelé qu'en moins de 24 heures, l'Association avait présenté des excuses à l'équipe canadienne; il a aussi dit que les politiques en la matière seront révisées et clarifiées afin d'éviter que de telles situations ne se reproduisent. Etant donné que le bilinguisme est trop souvent négligé dans le domaine sportif, il faut exercer une vigilance particulière. Le ministre du Patrimoine canadien a énoncé une politique plus précise à ce sujet.

Les leçons tirées des événements de Nagano n'ont malheureusement pas été comprises par toutes les associations sportives canadiennes. Quelques mois après Nagano, l'Association canadienne des Jeux du Commonwealth tenait, à Toronto, en anglais seulement, une conférence de presse pour dévoiler la composition de l'équipe canadienne aux Jeux de Kuala Lumpur. Comme ce fut le cas lors des Jeux de Nagano, les responsables ont présenté des excuses — dans les deux langues officielles. Le plus désolant, c'est qu'on invoque toujours l'erreur ou l'oubli. Pourtant, ce n'est pas d'hier que notre pays a deux langues officielles. Nous ne pouvons plus accepter ce genre d'excuses de la part de nos organismes nationaux. Les autorités compétentes doivent intervenir et rectifier le tir.

Les représentants du ministère du Patrimoine canadien ont comparu à deux reprises : la ministre Sheila Copps dans un premier temps, puis les fonctionnaires lors d'une seconde séance. La mission et l'ensemble des programmes du Ministère ont fait l'objet des discussions. La portée et les limites des interventions du Ministère auprès des communautés, des organismes bénévoles et des autorités provinciales ont longuement été examinées de même que les conséquences des compressions budgétaires.

Lors de sa comparution en mai, M. Goldbloom a fait une rétrospective de ses sept années à titre de Commissaire aux langues officielles en rappelant plusieurs progrès accomplis au cours de son mandat. Il a notamment souligné les réalisations sur les plans de la gestion scolaire, des radios communautaires, du Regroupement des universités de la francophonie hors Québec et la mise sur pied du réseau des centres scolaires et communautaires. Par contre, d'autres dossiers (mise en œuvre de la Partie VII de la Loi sur les langues officielles, transformations au sein du gouvernement fédéral, transfert de responsabilités fédérales à d'autres instances publiques ou au secteur privé, par exemple) demeurent de sérieux sujets de préoccupation. Trop souvent, les dispositions linguistiques inscrites dans les ententes de dévolution sont imprécises et les mécanismes de recours dont disposent les citoyens lésés sont absents ou inefficaces. Le Commissaire s'est cependant dit encouragé par la diligence du président du Conseil du Trésor qui a presque immédiatement

Les communautés d'expression anglaise du Québec, surtout celles vivant à l'extérieur de Montréal, ont des besoins particuliers sur lesquels le Commissaire s'est penché à plusieurs reprises.

Le CRTC, comme l'ensemble des institutions fédérales assujetties à la Loi sur les langues officielles, doit respecter l'engagement du gouvernement en vertu de la Partie VII de la Loi. L'organisme réglementaire doit mieux actualiser cet engagement en transférant des éléments de cette obligation auprès des sociétés réglementées. Dans certains cas, la notion même de la territorialité des marchés devrait être revue afin d'y apporter des ajustements et de pouvoir prendre en considération des critères à la fois qualitatifs et quantitatifs.

Par ailleurs, nous avons lieu de nous réjouir de la récente décision du CRTC autorisant la diffusion du réseau TVA à l'échelle nationale. Ainsi, les grandes et moyennes entreprises de télédistribution et les entreprises de distribution par satellites devront diffuser cette chaîne. Cette nouvelle est d'autant plus encourageante que, lors de la présentation de son dossier aux autorités gouvernementales, le réseau TVA s'est engagé à produire et à diffuser une émission hebdomadaire reflétant la vie des communautés minoritaires, à élargir sa couverture des actualités afin de mieux répondre aux besoins de sa nouvelle clientèle, à mettre sur pied un comité-conseil composé de membres des communautés francophones et acadienne et à réinvestir une partie de ses bénéfices dans la programmation de l'intention de la francophonie canadienne. La Fédération des communautés francophones et acadienne (FCFA) a exprimé sa satisfaction face à cette décision du CRTC.

### Le Comité mixte permanent des langues officielles

Lors de sa première réunion après la reprise des travaux parlementaires en début d'année, le Comité, coprésidé par la sénatrice Rose-Marie Losier-Cool et la députée Sheila Finestone, s'est penché sur les données du recensement de 1996. Les représentants de Statistique Canada ont brossé un tableau des tendances relativement aux langues officielles et ont insisté sur l'importance de ne pas s'arrêter uniquement aux résultats de 1996, mais bien de dégager les tendances à plus long terme. Les témoins ont aussi informé les membres du Comité qu'ils allaient, au cours des prochains mois, étudier la possibilité d'inscrire au questionnaire du recensement de 2001 une question plus élaborée sur la langue parlée à la maison, afin d'améliorer la qualité des données relatives aux transferts linguistiques. Statistique Canada reconnaît que, pour les communautés de langue officielle vivant en situation minoritaire, le recensement est une source essentielle de données. Nous sommes heureux de ces projets, car nous réclamons depuis plusieurs années des données plus nuancées en ce qui concerne le comportement linguistique réel des membres de ces communautés.

L'issue du symposium, les divers intervenants fédéraux ont constitué un comité interministériel sur la recherche en langues officielles. Les participants y voient un moyen concret de renforcer les capacités de recherche et d'étayer l'élaboration des politiques au sein de la fonction publique.

### Le CRTC et les marchés télévisuels

Avec l'arrivée de nombreuses chaînes spécialisées, le Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) se voit soumis à des pressions pour repenser le concept des marchés francophones et anglophones. Plusieurs personnes, dont le Commissaire aux langues officielles, l'encouragent à se pencher sur le concept des « marchés bilingues » afin de mieux répondre aux besoins des deux communautés de langue officielle. Lors de sa comparution devant le Comité parlementaire des langues officielles, la présidente du CRTC, Françoise Bertrand, a reconnu les difficultés d'appliquer les critères tels qu'ils sont définis. À titre d'exemple, elle a mentionné le cas de Timmins (Ontario), où la communauté francophone représente 39 p. 100 de la population; selon les critères actuels du CRTC cependant, ce territoire constitue un marché « unilingue anglophone ». En fin d'année, le CRTC étudiait des demandes pour une quinzaine de chaînes spécialisées de langue française.

Dans le cadre de l'examen des demandes de nouvelles licences, le Commissaire aux langues officielles a écrit au CRTC pour l'inviter à redéfinir dans les plus brefs délais ses normes relatives aux marchés bilingues. Il aurait été plus sage, croyons-nous, de réviser les critères régissant ces marchés avant d'étudier les demandes de nouvelles chaînes. Il est cependant encourageant d'apprendre que le CRTC reconnaît le problème et qu'il a l'intention de s'y attaquer dans un avenir prochain. On pourra toujours revoir la distribution des chaînes une fois les critères redéfinis.

Il faut aussi souligner que le concept même de marchés peut être défavorable aux communautés de langue officielle vivant en situation minoritaire.

En décembre, le Commissaire, représenté par le Directeur général des politiques, Gérard Fim, a présenté devant le CRTC un mémoire portant sur cette question.

Nous espérons que cette démarche résultera en un meilleur équilibre linguistique dans les émissions offertes par les télédiffuseurs. Il ne suffit pas, selon nous, de rendre les chaînes disponibles. Les services spécialisés doivent aussi promouvoir des productions dans les régions et favoriser la diffusion d'événements régionaux intéressant les communautés de langue officielle vivant en situation minoritaire. La société canadienne est de plus en plus bilingue. Il faudrait donc établir des règles d'accès afin de favoriser la distribution équitable des nouvelles chaînes spécialisées de langue française dans les milieux minoritaires. Nous invitons le CRTC à adopter une nouvelle approche pour la définition des marchés bilingues en tenant compte non seulement

provinciales en éducation que les ententes Canada-communauté doivent être renouvelées à compter du 1<sup>er</sup> avril 1999, vraisemblablement pour une période de cinq ans. Le 18 mars, le ministre du Patrimoine canadien annonçait le renouvellement du Programme des langues officielles dans l'enseignement. Le budget quinquennal consacré à ce programme sera de 684 millions de dollars. C'est dire que le financement annuel sera à peu près égal aux fonds affectés au programme pour l'année financière 1998-1999. Considérant l'ampleur des besoins et le fait que le programme a fait l'objet de réductions considérables au cours des dernières années, nous espérons une augmentation des fonds. Nous suggérons fortement au gouvernement de revoir, lors du prochain budget, l'enveloppe établie pour ce programme.

Quant au Programme d'appui aux organismes et institutions des communautés de langue officielle, le gouvernement n'avait toujours pas annoncé, en date du 31 décembre, l'augmentation attendue des fonds consacrés à ce programme pour les cinq prochaines années. Étant donné que les besoins des communautés de langue officielle ne diminuent pas et que les ententes Canada-communauté, qui arrivent à échéance en mars 1999, sont des outils privilégiés pour le développement communautaire, nous nous inquiétons de ces incertitudes. Pour éviter le recours à un financement provisoire, ce qui comporte des ennuis administratifs, il faudrait signer les ententes avant le 1<sup>er</sup> avril prochain. Ce programme, comme celui des langues officielles en enseignement, a été considérablement réduit au cours des dernières années. Les communautés de langue officielle ont fait de nombreuses représentations au gouvernement et espèrent que l'enveloppe budgétaire sera rétablie au moins à ce qu'elle était avant les restrictions.

### Symposium sur la recherche en matière de langues officielles

Les 12 et 13 mars, divers partenaires fédéraux, dont Statistique Canada, le ministère du Patrimoine canadien et le Commissariat aux langues officielles, ont organisé un symposium intitulé « Données linguistiques sur les minorités de langue officielle ». Une centaine de participants, regroupant chercheurs, dirigeants des communautés linguistiques et représentants de plusieurs institutions fédérales, ont eu l'occasion de faire le point sur l'état de la recherche.

Ce symposium avait pour objectif de faire connaître, d'une part, la richesse des données de Statistique Canada sur la situation et le comportement des minorités de langue officielle et, d'autre part, les outils disponibles pour accroître l'accès à ces données et en favoriser l'utilisation afin de mieux cerner les besoins de ces communautés, notamment au chapitre de la recherche. Les participants ont rapidement constaté que les connaissances en la matière sont relativement limitées et ils ont tenté de déterminer les lacunes à combler et les domaines où il faudrait recueillir de nouvelles données afin de mieux saisir la réalité de ces communautés en pleine évolution. Ils ont aussi insisté sur la nécessité de créer des partenariats de recherche. À



qu'on entend partout, en le qualifiant de jeu. Bien qu'elle reconnaisse les progrès accomplis au cours des dernières décennies, elle a dit regretter que le discours des institutions publiques ne corresponde pas à la réalité des communautés de langue officielle vivant en situation minoritaire.

En guise de conclusion, le professeur Resnick a souligné la dichotomie entre le « pays légal » et le « pays réel ». Selon lui, le sort de la *Loi sur les langues officielles* et celui de la Confédération canadienne sont intimement liés.

### Une majorité de Canadiens appuie la dualité linguistique

Les organisateurs du Symposium sur les langues officielles ont effectué un sondage auprès des Canadiens afin d'évaluer leur perception de la dualité linguistique. Les deux tiers des répondants (66,5 p. 100) se sont dit d'accord ou tout à fait d'accord avec l'énoncé suivant : « La présence de deux langues officielles dans notre pays est un élément fondamental de l'identité canadienne. » En ce qui concerne l'importance pour les jeunes de connaître les deux langues officielles, une importante majorité (64 p. 100) était d'accord ou tout à fait d'accord avec l'affirmation suivante : « Il est important que les jeunes Canadiennes et Canadiens parlent à la fois le français et l'anglais. » En outre près de 60 p. 100 des personnes interrogées considèrent que : « La présence de deux langues officielles au Canada constitue un avantage concurrentiel pour le XXI<sup>e</sup> siècle. »

Par ailleurs, un sondage mené en septembre par la société Angus Reid pour le compte du ministère du Patrimoine canadien, dans les provinces à majorité anglophone et les territoires, révèle que le concept de la dualité linguistique a l'appui d'une majorité de Canadiens. En effet, 77 p. 100 des personnes interrogées pensent qu'il est important que les élèves apprennent à parler le français et l'anglais à l'école. De plus, 61 p. 100 des répondants estiment que le fait d'avoir deux langues officielles y est pour beaucoup dans ce qui fait la définition d'un « Canadien » et 67 p. 100 considèrent que la capacité de parler le français et l'anglais améliore les possibilités d'emploi et d'affaires pour tous les Canadiens.

Les résultats de ces deux sondages confirment qu'une grande partie de la population accorde un appui solide à la dualité linguistique canadienne. Une majorité de Canadiens voit cette réalité comme un avantage et une caractéristique fondamentale de notre pays.

### Un programme est reconduit, un autre se fait attendre

Dans le cadre de ses programmes d'appui aux langues officielles, le ministère du Patrimoine canadien s'occupe, entre autres choses, de la gestion du Programme des langues officielles dans l'enseignement (contributions aux provinces et aux territoires) et du Programme d'appui aux organismes et institutions des communautés de langue officielle. Tant les ententes fédérales-

leur choix, là où le besoin existe-t-il, une des raisons d'être de la fonction publique. Or, le gouvernement n'a pas cru utile d'incorporer ce volet linguistique à la nouvelle norme. Il aurait pu ainsi intégrer les compétences linguistiques à l'ensemble des qualifications requises pour accomplir des activités aussi importantes que servir le public et respecter la langue de travail des fonctionnaires.

### La prime au bilinguisme

Depuis plusieurs années, nous recommandons au gouvernement de revoir sa politique relative à la prime au bilinguisme. Afin de ne pas pénaliser financièrement les employés, nous avons suggéré une élimination graduelle de la prime au fur et à mesure que les postes deviennent vacants.

Avec le maintien de la prime au bilinguisme, le gouvernement contribue à propager l'idée, pourtant non fondée, que les compétences linguistiques ne sont qu'un ajout aux activités fondamentales. Cette situation ne traduit pas la réalité et n'assure pas un service de qualité comparable dans les communautés de langue officielle vivant en situation minoritaire.

### Un symposium sous le signe de Molière et de Shakespeare

Afin de souligner le 10<sup>e</sup> anniversaire de la proclamation de la nouvelle *Loi sur les langues officielles*, trois ministères — soit le Secrétariat du Conseil du Trésor, Justice Canada et Patrimoine canadien — ont conjugué leurs efforts pour organiser, en septembre, un symposium fort réussi. Les quelque 700 participants ont pu entendre des conférenciers de marque, dont le juge Michel Bastarache de la Cour suprême, le président du Conseil du Trésor Marcel Massé, les professeurs Stephen Clarkson et Philip Resnick, la romancière acadienne et lauréate du prix Goncourt, Antonine Maillet et, au déjeuner de clôture, le Commissaire aux langues officielles. Ce symposium a réuni une foule d'intervenants tant des institutions gouvernementales que du secteur communautaire et du milieu universitaire.

Tout en signalant les réalisations de la société canadienne et du gouvernement en matière de langues officielles, le Commissaire a soulevé des questions fondamentales : Est-ce que les membres des communautés de langue officielle vivant en situation minoritaire sont bien servis par les institutions fédérales ? Est-ce que ces communautés reçoivent tout l'appui et toute la reconnaissance qu'elles méritent et dont elles ont besoin ? Rien ne permet d'y répondre avec la certitude souhaitée.

Pour sa part, le juge Bastarache a souligné l'importance de dépasser la théorie pour en arriver dans les plus brefs délais à une réelle égalité des communautés. « Nous ne devons pas, a-t-il précisé, privilégier le bilinguisme institutionnel au détriment de l'évolution sociale sous-jacente à toute égalité communautaire. » Antonine Maillet, après avoir félicité les participants pour leur enthousiasme et leur engagement, a déploré le double discours



## Le bilinguisme des cadres : échéancier reporté

En vertu des dispositions de la *Loi sur les langues officielles*, certaines régions sont désignées bilingues aux fins de la langue de travail des employés de l'État et des autres institutions assujetties à la *Loi*. Dans ces régions désignées (la région de la capitale nationale, le nord et l'est de l'Ontario, le Nouveau-Brunswick, Montréal ainsi que certaines parties des Cantons de l'Est, de la Gaspésie et de l'Outaouais québécois), les fonctionnaires fédéraux peuvent travailler dans la langue officielle de leur choix. Naturellement, ce droit ne peut s'exercer lorsque l'employé communique avec les citoyens, car ces derniers doivent être servis dans leur langue officielle.

La possibilité de travailler dans la langue officielle de son choix suppose qu'une proportion importante des collègues immédiats comprennent l'autre langue officielle et, surtout, que le surveillant, qui a des échanges réguliers avec l'employé, maîtrise bien la langue officielle de ce dernier. Les membres du groupe de la direction (EX) sont, pour la plupart, appelés à exercer des fonctions de surveillance. Le gouvernement semblait avoir reconnu, dès 1987, l'importance pour les employés de cette catégorie dans les régions désignées de connaître les deux langues officielles lorsqu'il a émis une politique exigeant d'eux une compétence linguistique de niveau « C B C » en langue seconde avant le 31 mars 1998 (« C » pour la compréhension de l'écrit, « B » pour l'expression écrite et « C » pour l'interaction orale). Dans le passé, nous avons critiqué l'échéancier lointain de cette politique (dix ans) et avons souvent rappelé au gouvernement que la trop lente progression des compétences linguistiques des cadres compromettrait la réalisation des objectifs de la politique.

À l'approche du 31 mars 1998, le gouvernement a dû admettre que près de 40 p. 100 des cadres en poste dans les régions désignées bilingues aux fins de la langue de travail ne rencontraient pas la norme « C B C ».

Le 27 mars, le SCT rendait public des amendements à sa politique. La nouvelle politique n'impose pas de sanctions aux contrevenants; au contraire, ils ont jusqu'au 31 mars 2003 pour se conformer à la norme linguistique de leur poste. Nous espérons que les mesures qui seront prises au cours des prochaines années afin d'assurer la réalisation des objectifs de la politique seront plus efficaces.

La nouvelle politique stipule aussi que les postes de sous-ministre adjoint, partout au pays, doivent être désignés bilingues selon la norme « C B C ». La dotation de ces postes sera non impérative pour les concours externes. Cette nouvelle approche est un pas dans la bonne direction et aidera les communautés de langue officielle vivant en situation minoritaire qui trouvent difficilement des cadres supérieurs bilingues à qui s'adresser en région. Nous constatons cependant que peu de ministères comptent des postes de sous-ministre adjoint dans leurs bureaux régionaux. Aussi les titulaires des postes de niveaux équivalents qui n'ont pas rang de sous-ministre adjoint échappent-ils à cette

directive. La norme n'est valable que pour les ministères et organismes dont le Conseil du Trésor est l'employeur; les sociétés d'État n'y sont donc pas assujetties.

Nous nous réjouissons de la mise en œuvre de politiques linguistiques qui permettront aux fonctionnaires fédéraux des régions désignées bilingues aux fins de la langue de travail d'exercer librement leurs droits. (Nous avions fait, en 1994, une étude de la situation linguistique en milieu de travail des employés dans la région de la capitale nationale.) Le rôle des membres du groupe de la direction (EX) est essentiel au succès de la mise en œuvre de la politique linguistique du gouvernement. Cependant, cette politique ne touche pas un nombre très important de hauts fonctionnaires qui occupent des postes équivalents aux postes de EX. L'effectif des groupes « EX équivalents » est plus élevé que la totalité des EX; pourtant, la nouvelle politique les ignore. Ce groupe de gestionnaires surveille un grand nombre d'employés et leurs postes devraient être assujettis à des normes similaires. Lorsque les exceptions sont plus nombreuses que la norme, l'effet de cette norme est passablement mitigé.

Le Conseil du Trésor a aussi adopté des mesures afin de renforcer la structure organisationnelle de mise en œuvre de volets importants de la *Loi sur les langues officielles*, à savoir l'épanouissement des communautés de langue officielle vivant en situation minoritaire et le bilinguisme institutionnel. À cette fin, les institutions fédérales doivent maximiser les répercussions de leurs initiatives sur la mise en œuvre de ces deux volets du programme. Les ministères doivent nommer comme centre de responsabilité un haut fonctionnaire tenu de rendre compte au sous-ministre. Cette approche sera certainement bénéfique et accordera aux intervenants extérieurs un accès plus équitable au ministère en cause.

Dans le même ordre d'idées, nous sommes heureux de constater que le gouvernement a accepté notre suggestion de s'assurer que les participants au Programme de développement accéléré des cadres supérieurs, un volet important de La Relève, acquièrent au besoin des compétences linguistiques de niveau « C B C » durant leur période de formation.

## La norme générale de classification

Depuis quelques années, les autorités gouvernementales, sous l'égide du SCT et en collaboration avec diverses instances, travaillent à l'élaboration d'une nouvelle norme de classification des emplois dans la fonction publique fédérale. Appelée « norme générale de classification », la nouvelle formule remplace le système d'évaluation du travail en place depuis plus de trente ans. À notre avis, lors de l'élaboration de la nouvelle norme, le gouvernement aurait dû inclure parmi les compétences évaluées un volet sur les connaissances linguistiques. On vante les mérites de la nouvelle norme car elle est axée sur le service à la clientèle et à l'avantage, dit-on, de permettre d'évaluer la gamme complète des caractéristiques d'un travail donné. Posséder les compétences voulues pour servir ses concitoyens dans la langue officielle de

Nous estimons aussi qu'il faudrait aborder différemment certaines responsabilités gouvernementales, comme la fonction judiciaire et la réglementation.

Quatrième, on ne saurait obtenir les résultats escomptés sans la participation active et complémentaire de chacun des organismes centraux, en fonction de leur mandat propre, dans le cadre d'une action concertée gérée de la gestion éclairée de la Partie VII au sein de l'appareil fédéral tout entier. Le leadership administratif, la formation des cadres et des employés, l'adoption de stratégies cohérentes et efficaces, l'établissement de systèmes appropriés de saisie de données, de vérification du rendement, d'évaluation des programmes et de rapport des résultats et de leurs répercussions sur l'appareil fédéral sont du ressort de ces organismes et ne viendront vraisemblablement pas d'ailleurs.

Puisque l'actuel régime d'application n'est pas encore adéquat, il revient au Conseil des ministres d'assurer le leadership politique et de prendre les moyens voulus pour que l'administration assume ses responsabilités.

Il est bien possible qu'après la parution du présent *Rapport annuel*, nous apprenions que le gouvernement, fort de l'analyse et des recommandations de l'expert-conseil dont il a retenu les services en vue de donner un nouvel élan à la mise en œuvre de la Partie VII, ait donné suite à nos exhortations. Tel est évidemment notre espoir.

En fin de compte, il incombe au Conseil des ministres de dissiper l'impression, malheureusement trop répandue, que le gouvernement accorde peu d'importance à la réalisation des objectifs énoncés dans l'article 41 de la *Loi*, dont les enjeux sont pourtant de taille.

La Partie VII vise des communautés minoritaires de langue officielle optimistes qui s'attendent à retirer des politiques et programmes fédéraux tous les bénéfices auxquels elles ont également droit, qu'il s'agisse de l'accès aux services gouvernementaux, aux emplois, à l'enseignement, à la culture ou aux loisirs dans la langue de leur choix.

Selon l'esprit de la Partie VII, tous les Canadiens, qu'ils soient francophones ou anglophones, devraient avoir le sentiment d'être des citoyens à part entière. Or, la majorité des Canadiens sont unilingues. S'ils ont à s'établir dans une région du pays où leur langue officielle est minoritaire, ils devraient pouvoir y trouver une communauté dynamique qui assure la vitalité de leur langue et leur offre un milieu qui leur permette de s'intégrer sans heurts.

La Partie VII affirme l'identité propre du Canada. Sa mise en œuvre est essentielle pour les communautés minoritaires de langue officielle, mais elle est importante aussi pour les majorités linguistiques et vitale pour l'avenir du pays.

La Partie VII n'est pas une disposition ordinaire. C'est pourquoi le Conseil des ministres doit tout mettre en œuvre pour respecter ses obligations statutaires à cet égard.

Deuxièmement, le processus de consultation des communautés minoritaires de langue officielle et d'élaboration des plans d'action, même s'il est nettement meilleur qu'apparaissant dans la plupart des cas, est centré sur la désignation de projets plutôt que sur les mesures requises pour que les politiques, programmes et ressources des institutions fédérales, y compris le pouvoir fédéral de dépenser, produisent pour ces communautés des retombées équitables. Nos analyses révèlent que les meilleurs plans d'action ont adopté un format correspondant aux six indicateurs de qualité<sup>2</sup> que nous avons mis au point plutôt que de suivre le modèle gouvernemental qui n'encourage pas suffisamment une réflexion approfondie, pourtant essentielle.

Troisièmement, dans l'optique actuelle de la mise en œuvre de la Partie VII, les institutions fédérales sont, à toutes fins utiles, considérées comme identiques. La réalité, pourtant, est tout autre. Il y a souvent des différences entre les institutions en raison de leur mandat, de leurs ressources, de leurs champs d'activité et des principaux modes d'action propres à chacune, ainsi que des différences dans le rôle que joue chacune d'elles auprès des communautés de langue officielle vivant en situation minoritaire.

Une approche différente s'impose. Les personnes qui comprennent le problème des achats fédéraux, par exemple, dont les retombées doivent profiter autant aux communautés minoritaires qu'aux groupes majoritaires, n'ont pas nécessairement une connaissance approfondie du domaine de la santé ou du monde des arts et de la culture.

C'est pourquoi nous préconisons d'établir des tables de concertation sectorielle et, pour chaque secteur de développement, de jumeler les experts des communautés à ceux du gouvernement. Il s'agit d'abord d'une définition commune du développement sectoriel; d'élaborer des stratégies favorisant le développement des communautés et la reconnaissance du français et de l'anglais; et, enfin, de surveiller la mise en œuvre de ces plans d'action. Cette approche aurait de meilleures chances de donner des résultats équitables et mutuellement satisfaisants.

La Corporation du Comité national du développement des ressources humaines de la Francophonie canadienne, qui regroupe neuf institutions fédérales, est à notre connaissance le seul organisme à avoir adopté, au moins partiellement, une telle approche. Si les travaux de la Corporation ont donné peu de résultats concrets à ce jour, c'est qu'elle en est encore à ses débuts et ne dispose pas de toutes les ressources dont elle aurait besoin.

<sup>2</sup> Ces six indicateurs, qui servent également à évaluer si l'application de la Partie VII aura des résultats suffisants, sont les suivants : 1) cadre politique et leadership (adéquats); 2) stratégie (appropriée) de mise en œuvre; 3) résultats obtenus et incidence escomptée; 4) systèmes de gestion et de vérification du rendement; 5) cadre de responsabilisation et de la reddition des comptes; 6) intégration de la Partie VII à la culture organisationnelle.



dans la *Loi sur les langues officielles*, ne devrait pas être sacrifiée aux arrangements administratifs. Le maintien de ces droits devrait faire au moins l'objet de garanties contractuelles pour les employés dans les régions désignées bilingues aux fins de la langue de travail.

Le gouvernement fédéral, par l'intermédiaire du président du Conseil du Trésor, a accueilli favorablement le rapport. Celui-ci s'est dit « optimiste quant à la capacité du gouvernement d'annoncer bientôt des initiatives qui donneront suite aux recommandations du rapport ». Au moment de mettre sous presse, ces initiatives n'étaient pas encore connues. Dans les jours qui ont suivi le dépôt du rapport, le Commissaire a communiqué au président du Conseil du Trésor les réserves que nous venons d'énoncer.

Nous exprimons l'espoir qu'en vertu de l'engagement du gouvernement à favoriser et appuyer le développement et l'épanouissement des communautés de langue officielle vivant en situation minoritaire, consacré à la Partie VII de la *Loi sur les langues officielles*, les autorités fédérales apporteront, dans le cadre de la mise en œuvre des recommandations et dans l'esprit du rapport, les ajustements qui s'imposent. Nous entendons suivre de très près cet important dossier.

## LE BILAN DU GOUVERNEMENT FÉDÉRAL

### La Partie VII de la Loi : un régime d'application inadéquat

Plus de dix ans après son entrée en vigueur, la Partie VII de la *Loi sur les langues officielles* de 1988 figure encore au haut de la liste des priorités du Commissaire, tout comme elle reste prioritaire pour les Canadiens d'expression française et d'expression anglaise qui, dans chaque province et territoire, vivent en situation minoritaire.

La Partie VII de la *Loi* consacre l'obligation qui incombe aux ministères, sociétés d'État et organismes fédéraux de mettre en œuvre l'engagement statutaire du gouvernement fédéral qui consiste à « favoriser l'épanouissement des minorités francophones et anglophones du Canada et à appuyer leur développement ainsi qu'à promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne ».

Par son choix de mots, le législateur a clairement voulu signifier que la Partie VII de la *Loi* doit s'appliquer à la façon dont les programmes du gouvernement fédéral sont conçus et mis en œuvre.

Pour être appropriée, la mise en œuvre des programmes doit aussi tenir compte du caractère réparateur de cette disposition de la *Loi*, dont les fondements se trouvent dans l'article 16 de la *Loi constitutionnelle* de 1982.

La Partie VII impose au gouvernement l'obligation de changer ses structures institutionnelles ainsi que sa manière de faire. Chaque institution fédérale doit donc mettre en place un régime d'application approprié, c'est-à-dire s'assurer que sa contribution

à la réalisation des objectifs fondamentaux que le Parlement a établis dans la Partie VII de la *Loi sur les langues officielles* correspond à la pleine mesure de son mandat, de ses programmes et de ses ressources.

C'est donc au gouvernement qu'il incombe de fournir le leadership et le cadre de gestion nécessaires à l'application efficace de cette politique horizontale statutaire.

À ce sujet, signalons que seulement 27 institutions fédérales sont tenues d'élaborer des plans d'action pour mettre en œuvre la Partie VII de la *Loi*. À quelques exceptions près, la contribution des autres institutions fédérales — on en compte plus de 200 — est ignorée. (Dans notre étude de 1996, intitulé *Un tracé pour agir : la mise en œuvre de la Partie VII de la Loi sur les langues officielles de 1988*, nous en avions analysé 58.)

Pour mieux connaître la portée réelle de cette situation, nous avons procédé à une analyse systématique du mandat, de la structure organisationnelle, des programmes et des ressources de toutes les institutions fédérales, à l'aide d'une grille de dix critères pondérés afin d'évaluer le degré de responsabilité des institutions fédérales par rapport à la réalisation des objectifs de la Partie VII de la *Loi*.

Nous avons également évalué dans quelle mesure les 134 institutions fédérales les plus importantes avaient respecté leur obligation de rendre compte dans chacun des six secteurs de l'activité gouvernementale, comme le stipule la Partie VII de la *Loi*.

Premièrement, cette analyse révèle que les 27 institutions désignées ne représentent que 20 p. 100 des institutions fédérales les plus importantes. Cela ne signifie pas toutefois que le gouvernement s'acquitte dans la même proportion de ses responsabilités à l'égard de la Partie VII car, d'une part, la planification de ces 27 institutions est dans bien des cas loin d'être parfaite et, d'autre part, souvent la mise en œuvre de leur plan d'action ne permet pas d'atteindre les objectifs établis.

1 C'est-à-dire développement économique, développement des ressources humaines, développement culturel et des communications, développement social et de la santé, exercice des fonctions judiciaires et de réglementation et gestion de la mise en œuvre de la Partie VII de la *Loi*.



linguistiques applicables devrait se négocier à la lumière des circonstances particulières de la situation ».

Nous espérons que le gouvernement ne retiendra pas cette distinction qui pourrait se traduire par un nouveau recul pour les communautés de langue officielle vivant en situation minoritaire. Les droits linguistiques des Canadiens ne devraient pas être l'objet de négociations de cet ordre. Le client demeure le même et les services sont de même nature. Comment alors justifier que des droits aussi fondamentaux puissent être perdus lors d'un marchandage administratif ? Nous ne nions pas qu'il puisse y avoir une distinction entre les domaines de compétence provinciale et fédérale. Si le gouvernement fédéral a pu, pendant de nombreuses années, dispenser des services dans les deux langues officielles et prendre d'autres mesures visant à favoriser le développement et l'épanouissement des communautés de langue officielle vivant en situation minoritaire, il ne peut maintenant se retirer de ces champs d'activité sans s'assurer du maintien des droits acquis. Malheureusement, cette recommandation, de par son libellé, pourrait contribuer à perpétuer l'ambiguïté des principes qui ont guidé jusqu'à présent l'action gouvernementale en ce domaine. Dans le cadre de ses activités de transformation, le gouvernement fédéral doit pleinement tenir compte de son engagement « à favoriser l'épanouissement des minorités francophones et anglophones du Canada et à appuyer leur développement », comme le stipule l'article 41 de la *Loi sur les langues officielles*.

Au moins deux recommandations traitent de l'obligation de rendre compte du gouvernement fédéral en ce qui a trait à sa transformation : la première aborde les mécanismes de suivi et d'évaluation; la deuxième parle des mécanismes de recours et de réparation. Nous partageons l'opinion du groupe de travail quant à l'importance de la mise en œuvre de ces principes dans le cadre des activités de transformation de l'appareil gouvernemental. Cependant, nous sommes en sérieux désaccord en ce qui concerne les moyens proposés. Tout mécanisme de recours adéquat doit inclure la possibilité de faire appel à une tierce partie impartiale qui possède l'autorité voulue et les compétences nécessaires et qui soit facile d'accès pour les citoyens. Dans sa formulation actuelle, la recommandation traitant des recours ne passe pas la barre.

Jugeant irréversibles les transferts de responsabilités effectués jusqu'à aujourd'hui (quoiqu'il conserve l'espoir que les ententes conclues puissent être bonifiées), le Commissaire a discuté avec ses collègues les ombudsmans provinciaux et territoriaux (en poste dans huit provinces et deux territoires) de la possibilité qu'ils puissent obtenir compétence en la matière, s'ils ne l'ont déjà. Ce qui a existé jusqu'à maintenant au palier fédéral n'est tout simplement pas préservé ni reproduit au palier provincial. L'absence d'une recommandation relative à la langue de travail est un autre aspect du rapport qui nous cause problème. Dans certaines régions désignées, les fonctionnaires fédéraux ont le droit de travailler dans la langue officielle de leur choix, moyennant certaines conditions. Ce droit, explicitement énoncé

Nous avons analysé l'ensemble des recommandations du groupe de travail à la lumière des cinq principes directeurs énoncés dans le tiré à part intitulé *Les effets des transformations du gouvernement sur le programme des langues officielles du Canada*. Selon nous, ces principes devraient guider aussi toutes les transformations gouvernementales. Pour le bénéfice de nos lecteurs, nous les rappelons ici.

Toute institution fédérale qui signe une entente de délégation avec une province doit s'assurer, au minimum, que cet accord :

- préserve les droits acquis en garantissant de façon claire au public concerné le droit aux services conformément aux prescriptions de la *Loi* et du *Règlement sur les langues officielles*;

- définit un mécanisme qui donne au public concerné la possibilité de recours adéquat et connu en cas d'insatisfaction et, le cas échéant, de redressement de la situation;

- établit de bons mécanismes de contrôle et de reddition des comptes permettant de s'assurer du respect des droits linguistiques;

- en cas de transfert ou de retrait de responsabilités mettant en cause un autre ordre de gouvernement, d'obtenir l'engagement de ce dernier à favoriser le développement des communautés minoritaires de langue officielle, à consulter ces communautés quant à leurs besoins et intérêts, et à prévoir des mesures concrètes à cet égard.

- tient compte des droits linguistiques des fonctionnaires dans le choix donné aux employés actuels de passer au service d'un autre ordre de gouvernement ou du secteur privé ou de garder leur emploi au sein du gouvernement fédéral.

La pertinence de ces principes n'a pas diminué.

Même si nous apprécions la qualité de l'analyse menée par le groupe de travail et convenons de l'exacitude du diagnostic, nous devons émettre certaines restrictions en ce qui concerne les recommandations. Faire nos réserves serait manquer à notre devoir.

D'abord, sur le plan positif, nous sommes heureux de constater que le rapport recommande au gouvernement de revoir le *Cadre d'examen des différents modes d'exécution des programmes* du SCT afin d'accorder aux langues officielles toute leur importance en tant que valeur fondamentale du pays. Cependant, nous ne pouvons partager l'opinion du groupe de travail qui établit une distinction, aux fins du régime linguistique à exiger, « entre les fonctions qui sont du ressort du gouvernement fédéral et celles qu'il considère comme ne l'étant pas ». Le groupe de travail s'aventure encore à suggérer que « la portée des obligations

# 1. LES TRANSFORMATIONS : LE CANADA CONTINUE DE CHANGER

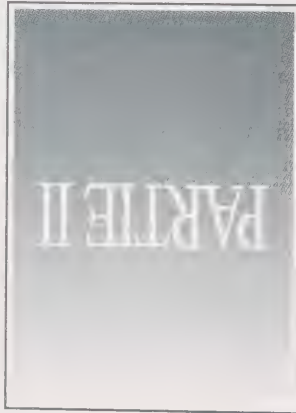
Dans le cadre de son *Rapport annuel 1997*, le Commissaire aux langues officielles a publié une étude spéciale intitulée *Les effets des transformations du gouvernement sur le programme des langues officielles du Canada*. Dans ce document, le Commissaire

passé en revue un certain nombre des transformations réalisées par le gouvernement fédéral (transfert de compétences, privatisations, création de nouveaux organismes parapublics) afin d'en déterminer les effets sur la mise en œuvre de la Loi et notamment sur les communautés de langue officielle vivant en situation minoritaire. Le Commissaire a salué la rapidité avec laquelle le gouvernement a réagi à sa recommandation en créant dans les heures qui ont suivi le dépôt de l'étude, en mars 1998, un groupe de travail ayant pour mandat de procéder à « une analyse de l'effet, sur les langues officielles, des transformations survenues dans l'appareil gouvernemental au cours des dernières années et de proposer toute mesure d'amélioration appropriée ». Plus précisément, l'analyse devait porter sur les éléments suivants de la Loi sur les langues officielles : le service au public, la langue de travail, la participation équitable et l'épanouissement des communautés de langue officielle en situation minoritaire de même que l'appui de leur développement.

En janvier 1999, le groupe de travail remettait au président du Conseil du Trésor, Marcel Massé, son rapport intitulé *Maintenir le cap : la dualité linguistique au défi des transformations gouvernementales*.

Après quelques précisions relatives au mandat du groupe de travail et un bref survol de la situation des communautés de langue officielle vivant en situation minoritaire, le rapport aborde quelques principes clés qui ont guidé les analyses. D'entrée de jeu, il affirme l'importance, lors des transformations, de ne pas affaiblir le régime linguistique en place. « Dans le cas où le gouvernement décide de s'acquitter de ses responsabilités d'une manière différente, le régime en vigueur de droits linguistiques et d'appui aux communautés de langue officielle en situation minoritaire doit continuer de s'appliquer intégralement. » Il rappelle aussi que l'ensemble des institutions fédérales a, en vertu de l'article 41 de la Loi, la responsabilité de favoriser l'épanouissement des communautés de langue officielle vivant en situation minoritaire et d'appuyer leur développement.

Afin d'analyser les transformations complètes, le groupe de travail s'est fondé sur les principes énoncés dans le Cadre d'examen des différents modes d'exécution des programmes,



publié en 1995 par le Secrétaire du Conseil du Trésor (SCT). Le groupe de travail a jugé que les considérations en matière de langues officielles intervenaient trop indirectement et ne tenaient pas compte de l'importance de cette valeur fondamentale de la société canadienne : « Le Cadre d'examen aurait dû donner aux droits linguistiques la prééminence qui leur revient. Aux termes de la *Charte canadienne des droits et libertés*, elle est un élément d'intérêt public axiomatic et premier. »

Le rapport, qui analyse en détail plus de dix ans de transformations, confirme le constat du Commissaire aux langues officielles, à savoir que l'approche des autorités fédérales a contribué « à une érosion subtile mais cumulative des droits linguistiques » dans l'ensemble du pays. Ce manque de rigueur préoccupe particulièrement les membres du groupe de travail. Ils considèrent, à juste titre, que le gouvernement fédéral, exerçant une autorité unique en matière de langues officielles, doit faire preuve d'un leadership constant et prendre les mesures nécessaires afin de redresser une situation devenue alarmante. Le groupe de travail conclut : « Le gouvernement fédéral, qui est indiscutablement le principal fiduciaire de la dualité linguistique canadienne et son premier promoteur, a raté, dans le cadre des transformations auxquelles il a présidé, une très belle occasion de la faire s'épanouir pleinement. »

Les auteurs du rapport soumettent un ensemble de recommandations au président du Conseil du Trésor. Ils invitent le gouvernement fédéral à remettre la dualité linguistique au cœur de ses préoccupations et à s'acquitter pleinement de ses responsabilités en la matière. Le gouvernement doit faire preuve d'un engagement inébranlable, et il doit le réitérer et le démontrer dans chacune de ses démarches. Le rapport incite les autorités compétentes à se doter d'un plan directeur et d'un centre de coordination qui guideront toutes les transformations à venir et veilleront surtout à amener les gouvernements provinciaux et le secteur privé à tenir compte de la dimension linguistique dans leurs activités. Le groupe de travail insiste sur l'importance de consulter les communautés de langue officielle vivant en situation minoritaire et de les associer tôt au processus de transformation afin qu'elles puissent avoir voix au chapitre lors de la détermination des aménagements appropriés.

Les auteurs du rapport ont signalé, à bon droit, que dans le cas du transfert de responsabilités vers les autres paliers de gouvernement, notamment dans le cadre des ententes fédérales-provinciales sur le développement du marché du travail, les mécanismes de suivi, d'évaluation, de recours et de réparation ne passaient pas la rampe. Nous invitons donc le gouvernement à intégrer dans ces ententes des mécanismes appropriés et efficaces.





## LES ACTIVITÉS DU COMMISSAIRE

En 1998, le Commissaire a consacré beaucoup de temps et d'énergie à la solution de problèmes et de difficultés qui touchent les communautés minoritaires de langue officielle. Il a poursuivi en particulier ses efforts pour assurer une gestion scolaire pleine et entière, partout au pays. Le rôle important qu'il a joué à cet égard au cours des sept dernières années a porté fruit puisque, à quelques imperfections près, ce droit fondamental est enfin assuré.

La santé a également été l'une de ses préoccupations majeures. À maintes reprises, le Commissaire a insisté sur la nécessité pour le malade et sa famille, d'une part, et le professionnel de la santé, d'autre part, de bien se comprendre. Le malade doit être en mesure d'expliquer son passé médical et ses symptômes dans la langue officielle de son choix; ce faisant, il doit pouvoir compter sur la compréhension totale du professionnel de la santé. Ce dernier doit être capable d'expliquer clairement la nature du problème, la forme et les risques du traitement, les complications possibles et le régime thérapeutique à suivre. Le droit du malade à cette compréhension réciproque doit avoir préséance sur les droits du professionnel de la santé en matière de langue de travail.

C'est ainsi que le Commissaire s'est intéressé à l'accessibilité des soins de santé et des services sociaux en anglais pour les Québécois d'expression anglaise. Il a aussi continué de manifester son appui à la cause de l'Hôpital Montfort et de travailler à la création, à l'Université d'Ottawa, d'un centre national de formation de professionnels de la santé francophones pour servir les communautés vivant en situation minoritaire.

### PARTIE I



Le Commissaire a poursuivi son œuvre inlassable d'expliquer la loi et la dualité linguistique aux Canadiens. La nécessité de rencontrer ses concitoyens là où ils vivent l'a amené à beaucoup voyager. Il a ainsi effectué 16 voyages, au cours desquels il a donné des dizaines d'entrevues aux médias (autre des dizaines de son bureau d'Ottawa, pour un total de plus d'une centaine); prononcé de nombreux discours et causeries, entre autres devant des sociétés philanthropiques; rencontré des représentants élus et des fonctionnaires de différents ordres de gouvernement; et remis des prix, notamment dans le cadre de la Semaine de la Francophonie et à OSPELL (Québec Society for the Promotion of English Language Literature). Il a de plus entretenu une volumineuse correspondance.

À l'automne, le Commissaire a été le conférencier invité à un colloque international tenu à Dublin, en Irlande, sur la coexistence de plus d'une langue en un seul pays. À cette occasion, il a su faire valoir à ses interlocuteurs la grande richesse du Canada dans le domaine des politiques et des lois linguistiques.

En plus d'avoir répondu à 2 792 plaintes et demandes de renseignements, le Commissaire a mené des études spéciales sur les motivations des ayants droit hors Québec en ce qui a trait aux choix scolaires et sur les suites données à son étude de 1994 sur le service au public dans les bureaux fédéraux désignés bilingues.

Le Commissariat mène régulièrement des suivis afin de s'assurer que les recommandations du Commissaire ont l'effet voulu sur les comportements des institutions fédérales.

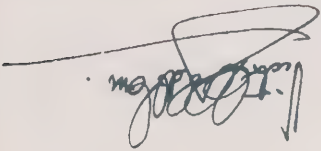
Par ailleurs, le Commissaire avait espéré que le rapport traiterait des droits en matière de langue de travail des fonctionnaires fédéraux mutés au gouvernement d'une province ou d'un territoire par suite d'un transfert de responsabilités; cette question est mentionnée dans le rapport, mais elle ne fait l'objet d'aucune recommandation. En outre, il a constaté qu'une des recommandations semble créer deux catégories de droits linguistiques, fédéraux et non fédéraux; le Commissaire a donc souligné, comme il le fait depuis le début, que lors d'un transfert de responsabilités le service visé reste le même, tout comme le citoyen qui en a besoin.

On se souviendra également que le Commissaire a énoncé cinq principes qui devraient être respectés pour toute dévolution et toute transformation.

En dépit de ces réserves, le Commissaire a félicité le groupe de travail de s'être bien acquitté d'une tâche importante.

Somme toute, l'an dernier, les événements positifs l'ont emporté sur les aspects négatifs. Les méthodes que nous avons utilisées pour les suivis sur le service au public dans les bureaux désignés bilingues diffèrent légèrement de celles employées lors des enquêtes initiales, ce qui nous a permis de relever les insuffisances particulières de bureaux donnés. Résultat : un grand nombre de sous-ministres et d'administrateurs généraux d'organismes fédéraux se sont engagés à remédier à ces situations; il faut espérer que l'on comblera aussi les lacunes des bureaux qui ne faisaient pas partie de notre échantillon.

Commissaire aux langues officielles



Victor C. Goldbloom

L'année s'est terminée avec l'annonce que la principale du Collège Glendon de l'Université York, Dyane Adam, deviendra la cinquième Commissaire aux langues officielles. Elle entrera en fonction le 1<sup>er</sup> août 1999. C'est avec plaisir que je lui passe le flambeau.



## ÉVOLUTION ET DÉVOLUTION

**L**e *Rapport annuel* du Commissaire porte sur l'année civile précédant sa parution. Nous en commençons la rédaction à la fin de l'automne, mais de toute évidence nous ne pouvons la terminer avant la fin de l'année. Tout au long de janvier et de février, nous mettons au point les derniers détails et préparons le texte pour l'imprimeur, à qui nous le remettons au début de mars, afin de pouvoir le déposer au Parlement en avril.

Le présent *Rapport annuel* traite des événements de 1998. Cependant, comme le dénouement de certains d'entre eux s'est produit après la fin de l'année mais avant le parachèvement de notre texte, il serait illogique de publier un document où ces faits nouveaux seraient passés sous silence.

Certains de ces faits sont fort encourageants, par exemple le rapport Fontaine (d'un point de vue général); l'annonce par le gouvernement fédéral de la formation à l'Université d'Ottawa, au cours des cinq prochaines années, de 30 médecins et de 60 autres professionnels de la santé francophones afin de remédier à la grave pénurie de spécialistes à laquelle font face les communautés minoritaires de tout le pays; et la publication d'une étude, réalisée pour le Commissaire, sur les motivations des parents vivant en situation de minorité linguistique quant aux choix scolaires.

D'autres faits sont moins positifs. De façon générale, nos évaluations des suivis sur le service au public offert dans les bureaux fédéraux censés fonctionner dans les deux langues officielles n'ont pas révélé d'amélioration; en outre, le gouvernement fédéral et neuf provinces ont signé une entente sur l'union sociale qui ne fait aucune mention des besoins particuliers des communautés minoritaires de langue officielle du Canada — on y trouve seulement une allusion à la diversité canadienne.

Bien qu'il se réjouisse de ce résultat, le Commissaire a dû mettre en lumière trois problèmes non réglés sur lesquels il faut se pencher. Le premier concerne le droit de recours en cas de non-obtention de services dans la langue officielle de la minorité. À cet égard, le transfert de responsabilités diffère de la privatisation et de la création d'un organisme parapublic, qui se font par voie législative. Le Parlement peut en ce cas prévoir le maintien de l'application de la *Loi sur les langues officielles*, y compris l'accès au Commissaire et à son service de traitement des plaintes. C'est d'ailleurs là une mesure que le Parlement prend presque toujours. Les gouvernements provinciaux et territoriaux refusent de considérer que le transfert des responsabilités fait d'eux des agents du gouvernement fédéral et que les mécanismes fédéraux de règlement des plaintes peuvent être applicables. Le rapport Fontaine ne propose pas de solution véritable à ce problème; estimant irréversible le processus de transfert des responsabilités, le Commissaire a entamé des discussions sur cette question avec ses homologues, les ombudsmans provinciaux et territoriaux.

Le rapport Fontaine a été bien accueilli. Rappelons que le Commissaire avait recommandé la création de ce groupe de travail dans un document spécial, publié en tiré à part comme composante du *Rapport annuel 1997*. Ce document traitait du transfert des responsabilités fédérales aux gouvernements provinciaux et territoriaux ainsi que d'autres transformations. Au nom du gouvernement, le président du Conseil du Trésor, Marcel Massé, a immédiatement fait le nécessaire et, neuf mois plus tard (une réalisation impressionnante de la part du groupe de travail), il recevait le rapport Fontaine et laissait savoir que le gouvernement prendrait les mesures qui s'imposent.





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Un texte plus approfondi sur la situation des droits linguistiques au Canada en 1998, intitulé *Les droits linguistiques en 1998*, est disponible.

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MONSIEUR LE PRÉSIDENT  
DE LA CHAMBRE DES COMMUNES  
OTTAWA

Monsieur le Président,

Conformément à

l'article 66 de la

*Loi sur les langues officielles,*

je soumetts au Parlement, par

voire intermédiaire,

le vingt-huitième

rapport annuel du

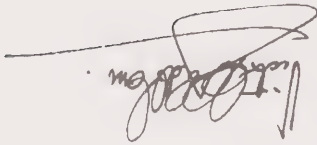
Commissaire aux langues

officielles qui se rapporte à

l'année civile 1998.

Le Commissaire

aux langues officielles,



Victor C. Goldbloom

avril 1999



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DU SÉNAT  
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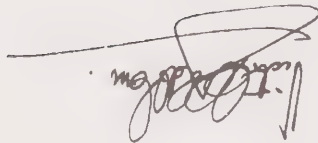
Commissaire aux langues

officielles qui se rapporte à

l'année civile 1998.

Le Commissaire

aux langues officielles,



Victor C. Goldbloom

avril 1999





## LE TISSU SOCIAL CANADIEN

Un tissu est fait  
de nombreux fils.

Les citoyens et citoyennes  
de ce pays, parlant le  
français ou l'anglais et  
ayant des racines  
ethnoculturelles fort  
diverses, forment  
un tissu social que nous

appelons le Canada.



Les personnes qui portent  
l'épinglette du Commissariat  
aux langues officielles  
témoignent de leur engagement  
à promouvoir les meilleures  
relations humaines possible  
entre les composantes  
francophone et anglophone  
du tissu social canadien.







RAPPORT  
ANNUEL  
1998

CANADA



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COMMISSAIRE  
AUX LANGUES  
OFFICIELLES

*Nota* : Dans la présente publication, les termes de genre masculin utilisés pour désigner des personnes englobent à la fois les femmes et les hommes.

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COMMISSAIRE  
AUX LANGUES  
OFFICIELLES



CANADA

RAPPORT  
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# ANNUAL REPORT

## THE TEXTURE OF CANADA

*A fabric is woven of  
many threads.*

*Those of us who  
speak English and  
those of us who speak  
French – ourselves  
made up of many  
different elements –  
have joined together  
to weave a social  
fabric called Canada.*

1999+2000



Canada









## THE TEXTURE OF CANADA

---

A fabric is woven  
of many threads.  
Those of us who speak  
English and those of us  
who speak French  
– ourselves made up of  
many different elements  
– have joined together to  
weave a social fabric  
called Canada.



*Wearers of the emblem of  
the Office of the Commissioner  
of Official Languages are  
signifying their commitment  
to fostering the best possible  
human relations between the  
English-speaking and  
French-speaking components  
of Canada's social fabric.*

---





# ANNUAL REPORT

THE SPEAKER,  
SENATE, OTTAWA

---

1999-2000

Mr. Speaker,

Pursuant to  
Section 66 of the  
Official Languages Act,  
I hereby submit  
to Parliament, through  
your good offices,  
the twenty-ninth  
Annual Report  
of the Commissioner  
of Official Languages,  
covering the period between  
January 1<sup>st</sup>, 1999, and  
March 31<sup>st</sup>, 2000.

Yours respectfully,



Dyane Adam

October 2000

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# ANNUAL REPORT

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HOUSE OF  
COMMONS,  
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# PREFACE

This 29<sup>th</sup> Annual Report of the Office of the Commissioner of Official Languages appears at a time of transition. It reports a change first of all in leadership, since Dyane Adam succeeded Victor Goldbloom as Commissioner in 1999. A change also in the period covered by the report, since it will now cover the fiscal year rather than the calendar year. To make the transition, this report covers a 15-month period, from January 1, 1999, to March 31, 2000.

But the most noticeable change for our readers is no doubt the new format chosen for this report. Breaking away from the nearly encyclopedic style of the past, when it attempted to report on all activities and events relating to the official languages in Canada, the report will now focus specifically on the activities of the Office of the Commissioner. Since 1988, several other federal institutions, including Canadian Heritage and the Treasury Board Secretariat, have had to account for their annual activities under the *Official Languages Act* (the Act), and we have noted considerable duplication of information. Moreover, details about the administration of the Office of the Commissioner can be found in two public documents: the *Report on Plans and Priorities* and the *Performance Report*. These reports are part of the budget planning cycle and are tabled in Parliament every year.<sup>1</sup>

With this streamlined format, which is intended to be it more accessible to the general public, the new Annual Report presents a limited number of significant issues of particular interest to the Commissioner. The focus is not so much on describing situations as on the changes brought about, the principles at issue, the corresponding actions taken by the Office of the Commissioner, and the results obtained. While national in scope, most of the issues discussed are illustrated by specific examples from certain regions. A few selected complaints are examined, for example, to show how certain complaints addressed to the Office of the Commissioner can lead to changes.

This report constitutes a summary of actions taken by the Office of the Commissioner illustrated by a few examples. A more detailed list of these actions is found in the Appendix. Much additional information previously included in the Annual Report, such as the reports of investigations and studies, is available in other publications of the Office.<sup>2</sup> In the near future, the Office's Internet site will be considerably expanded and will provide specific details of activity by region and government institution. It will offer links to minority community associations and other official languages stakeholders and, for example, include data by province and territory on school enrolment in mother tongue and second-language programs.

<sup>1</sup> The reports are available on-line on the Treasury Board Secretariat site at the following addresses:  
<http://www.tbs-sct.gc.ca/tb/estimate/pub3e0001.html> and <http://www.tbs-sct.gc.ca/tb/estimate/p3b9900e.html>

<sup>2</sup> To consult the electronic versions of the publications, see: <http://www.ocol-clo.gc.ca/>

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While the report's appearance has changed, one thing remains constant: the mandate given the Commissioner by the *Official Languages Act*. By recognizing linguistic duality in Canada, the Act provides: that both official languages will be used as languages of work and languages of service in federal institutions; and that the minority official language communities will receive concrete support to foster their development and vitality. The Commissioner therefore has the mandate to ensure that the equality of status of English and French in Canada is recognized, to ensure compliance with the Act, and to inform Canadians of their rights.

In carrying out this mandate, the Commissioner takes all the measures required. On the basis of her research and analysis, she informs and advises institutions and citizens alike with a view to revitalizing Canada's linguistic duality. She monitors the advancement of English and French in society and, in particular, the vitality of the official language minority communities.

She also conducts audits and studies to evaluate the performance of federal institutions with regard to the Act. She conducts investigations either after receiving complaints or on her own initiative and recommends corrective measures or changes as required. The Commissioner appeals to the Governor in Council or, as a last resort, to the Federal Court, on her own initiative or with the consent of one or more complainants.

This report therefore provides a concise but representative summary of the activities conducted and the results obtained by Commissioners Goldbloom and Adam in 1999-2000. But to begin, the new Commissioner will give an outline of the general environment in which her mandate is carried out.

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# SUMMARY

The Commissioner of Official Languages, Dyane Adam, is submitting her first Annual Report. In addition to reporting on the principal activities that she and her predecessor, Victor Goldbloom, engaged in during the 15 months from January 1999 to March 2000, this report sets out the new vision that the Commissioner intends to bring to the fore during her term as ombudsman, but also as an agent of change, in the area of official languages.

The Commissioner feels that, on the whole, the track record of the past year in relation to the official languages of Canada is disturbing. Although linguistic duality is a fundamental value of Canada's identity, guaranteed and promoted for over 30 years thanks to the *Official Languages Act* (hereinafter the Act), once again this year the Commissioner has had to investigate some 1,800 complaints under this legislation. Her report shows a considerable number of recurring deficiencies in offices designated to provide service in both official languages. The recent government transformations have had a negative impact on respect for language rights. There is a chronic lack of in-depth follow-up by federal institutions on recommendations made by the Commissioner.

The picture therefore is clear: there is insufficient commitment and a flagrant lack of leadership by the federal government with respect to the full implementation of the Act. Commissioner Adam notes that, at the end of his term, Commissioner Goldbloom accurately observed that, while the Office of the Commissioner's recommendations led, in federal institutions, to a few changes by way of follow-up, these were superficial and not lasting. If the deficiencies and inertia observed are so widespread and persistent, it is because the government, at its highest level, does not provide the leadership it should to affirm linguistic duality. Yet this is a critical element for the success of Canadian federalism. Above and beyond legislation and general principles, elected officials and senior public servants must embody the value of the official languages. They must set an example through their own actions and initiate vigorous consultation among all federal institutions to implement these laws and principles which are enshrined in the Canadian Constitution.

Currently, a veritable vicious circle seems to operate with respect to federal action on official languages. The denial of language rights gives rise to complaints, which lead to investigations by the Office of the Commissioner, which in turn lead to certain conclusions that may be accompanied by recommendations. Federal institutions respond to these by making superficial changes that do not affect the structural nature of the problems, and the problems recur.



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We want through this report contribute to the implementation of lasting changes with regard to official languages. To achieve such changes, a different cycle must be instituted: 1) responsible commitment and leadership by the federal government must be re-affirmed; 2) a framework for application of the Act that guarantees the achievement of its objectives must be clearly defined and put in place; 3) the accountability of federal institutions must be strengthened; 4) their performance must be evaluated on the basis of lasting results and in terms of quality service. In short, it is time for accountability at all levels of government.

The past year has provided a number of incentives in this direction. The Supreme Court of Canada confirmed and clarified the scope of language rights in two judgments on remedy cases in which the Office of the Commissioner intervened. In its judgment in the Beaulac case, the Court, among other things, stated that the language rights of official language minorities "can only be enjoyed if the means are provided." Then, in its judgment in the case of the French-speaking parents of Summerside (Arsenault-Cameron), it reconfirmed the right to exclusive governance in the minority language. It also emphasized the need to take local needs into account when making policy decisions in this regard. These recent judgments reinforce a series of others that, for some 20 years, have clarified the scope of language rights in Canada.

The Office of the Commissioner, for its part, has closely monitored and made recommendations concerning government transformations, the quality of services provided to the official language minority communities, and the opportunity of federal employees to truly work in their preferred language. The Commissioner has also examined a number of issues such as municipal amalgamation, the reduction in services provided by Hôpital Montfort in Ottawa, the reform of New Brunswick's education system, the restructuring of the air transport industry, the regulation of television broadcasting by the CRTC, the use of French on the Internet, the school choices made by parents to have their children educated in the minority official language, and the place of the two official languages in high-performance sport, to mention just a few.

In contrast to these numerous deficiencies and cases of inertia on the part of the government, the Commissioner wishes to point out a few promising breakthroughs. The revision of the *Transportation Act* should clarify the difficult issue of the linguistic obligations of Air Canada and its regional carriers. Via Rail finally provided bilingual service capability in the Montreal-Ottawa-Toronto triangle, and this made it possible to withdraw a number of legal proceedings against the Corporation. Human Resources Development Canada and Health Canada, acquiescing to the requests of the official language minority communities and the Office of the Commissioner, created coordinating committees to jointly determine strategic approaches. Finally, the Committee of Deputy Ministers Responsible for Official Languages was given a broader mandate and identified its strategic priorities.

This progress, however, is not equal to the challenges that remain if the Act and the Charter are to be fully implemented in the area of official languages.

To actively encourage renewal in this area, the Commissioner intends to redirect the focus of her activities. While continuing to accept and investigate complaints from the public about federal institutions, she will extend her field of action by specifically targeting the transformation of the organizational culture of the public service. To her role as ombudsman she will add the roles of agent of change and educator. Accordingly, she will not only investigate contraventions and deficiencies with regard to official languages, but will also look into recurrent problems and ways to solve them. It goes without saying that this effort will have to be made with the commitment and co-operation of federal institutions and, in particular, of the central agencies and the Committee of Deputy Ministers Responsible for Official Languages. The latter alone are responsible for and capable of transforming the organizational culture of the public service.

Seen in this new light, a number of issues have already been assigned priority at the Office of the Commissioner: the delivery of quality government services in both official languages, the use of both official languages in federal employees' workplaces, public service renewal in accordance with Canada's linguistic duality, the strengthening of tools for enforcement of the Act (policies, evaluation frameworks, etc.), the development of the minority communities under Part VII of the Act, the adaptation of social and health services to the needs of the minority communities, the inclusion of young people familiar with bilingualism into Canadian society, the review of immigration policies to integrate into them the principle of linguistic duality, and use of the Internet as an increasingly indispensable tool for the development of the linguistic communities.

The overall challenge this report poses for Canadian society and its governments is a substantial one. Linguistic duality is one of the mainstays of Canadian identity, and it is a critical mission of the federal government to assume its role as guardian of this fundamental value. It alone, it should be borne in mind, can play this role. The Commissioner, for her part, will do everything in her power to ensure that this challenge is met, in consultation with the communities, federal institutions and all the stakeholders in Canada's official languages.





# OUR NEW PERSPECTIVE

## Chapter 1

**I**N 1999, DYANE ADAM TOOK UP THE POSITION OF COMMISSIONER OF OFFICIAL LANGUAGES. IN ADDITION TO TAKING OVER THE MAJOR ISSUES TIRELESSLY DEFENDED BY HER PREDECESSOR, VICTOR GOLDBLOOM, THE NEW COMMISSIONER ALSO SET NEW OBJECTIVES FOR THE PROMOTION OF LINGUISTIC DUALITY IN CANADA. THIS FIRST CHAPTER OUTLINES HER PRIORITIES AT THE OUTSET OF HER MANDATE.

### 1.1 AN UNACCEPTABLE SITUATION

CANADA'S *OFFICIAL LANGUAGES ACT* HAS BEEN IN EFFECT FOR OVER 30 YEARS. SINCE 1970, THE OFFICE OF THE COMMISSIONER HAS BEEN RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE ACT, SAFEGUARDING THE RIGHTS IT SETS OUT, AND INFORMING THE PUBLIC OF THESE RIGHTS. IN 1982, THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS* PROVIDED CONSTITUTIONAL GUARANTEES, AMONG OTHER THINGS, OF MINORITY LANGUAGE EDUCATION RIGHTS, OF THE RIGHT TO USE EITHER OFFICIAL LANGUAGE IN COMMUNICATIONS WITH THE FEDERAL GOVERNMENT, AND OF THE RIGHT TO COURT REMEDY. THESE PILLARS OF CANADA'S LANGUAGE POLICY CLEARLY REAFFIRM THAT THE PRINCIPLE OF EQUALITY OF THE TWO OFFICIAL LANGUAGES IS AT THE VERY HEART OF OUR COUNTRY. IN THE LAST 20 YEARS, THE COURTS HAVE REPEATEDLY CONFIRMED AND CLARIFIED THE SCOPE OF THE LANGUAGE RIGHTS AND OBLIGATIONS ARISING FROM THIS POLICY.

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How can it be then that the Office of the Commissioner must, year after year, present the government with a lengthy list of shortcomings identified in the implementation of this policy? How can it be that many government institutions are still characterized by an at best passive, if not defensive, attitude with regard to their obligations, and that they all too often take action only in response to court injunctions or threats of court remedy? Actions relating to the Act are therefore carried out one by one, rather than arising from a comprehensive plan, shared responsibilities and strong leadership. This responsibility is apparently regarded as a simple exercise in compliance with the law. The Commissioner, like the official language minority communities, believes there have been enough court decisions to clarify the scope of language rights and that it is now time for concrete political and administrative accountability.

The lack of overall government commitment to implementation of the Act is distressing. Implementation of the Act is not the responsibility of the Office of the Commissioner of Official Languages, but very much the government's responsibility. The federal government is the guardian and advocate of the fundamental values of Canadian identity, including linguistic duality and the protection of the official language minorities. This is its proper role and constitutes a critical condition for the country's integrity. To play this role properly, the government must provide both political and administrative leadership by adopting a clear and renewed vision of the Canadian linguistic future to be achieved, developing a comprehensive plan based on consultation with all stakeholders, and ensuring that this plan is effectively implemented.

It is time to look at things differently. This is why the Commissioner intends from now on to devote her attention to the transformation of the public service culture to ensure that the fundamental value embodied in the official languages policy is disseminated throughout the public service and throughout Canadian society in general.

### 1.2 NEW MANDATE, RENEWED METHODS

**To achieve this goal, and in view of her new mandate, the Commissioner intends to redirect her team's efforts to make it more of an agent of change. The traditional watchdog role with respect to language rights has not been sufficient to fulfill the mandate. It is time for action within federal institutions to facilitate change and, in some cases, to overcome the prevailing resistance. What must change is the culture in federal institutions. Thus far they have to often shown a lukewarm commitment to the values underlying the country's linguistic duality. We must therefore go to the source of this laxness and promote change at the very roots of government culture.**

To meet this challenge, the Commissioner intends to diversify her methods of action. She will of course continue to conduct investigations of complaints received from citizens and employees who feel their rights have been violated by institutions subject to the Act. As an ombudsman, she will also play a greater role in the resolution of major linguistic issues. The Commissioner will work with institutions and communities to find faster more lasting and effective solutions to remedy the shortcomings identified. In this way, the Office of the Commissioner should be more accurately perceived as working alongside the Act and with both the communities and institutions.

Although central to the *Official Languages Act*, the investigation of specific complaints is not the Commissioner's sole recourse. She intends to take action on problem issues earlier by conducting studies, proposing avenues of action and facilitating organizational change. This ongoing work with the institutions will require her to establish continuing relationships with the management of these organizations and develop action plans. If necessary, she will not hesitate to use the other methods at her disposal, such as reports to the Governor in Council and court remedy.

In the long term, everything points to the need to strengthen linguistic duality as an aspect of Canadian culture. To this end, the Commissioner plans to undertake educational activities targeting the various components of Canadian society, especially young people.

During the first year of her mandate, to ensure that her analysis and objectives are in line with those of her partners, the Commissioner undertook national consultations with the leaders of both official language communities and various levels of government in each province and territory. She will report on the results of these consultations in her next annual report and will take the points of view she heard into account in developing her program of action. In short, what the Commissioner is proposing here is a new vision; while several aspects of it have already been implemented, it remains a work in progress.

## 1.3 LEADING ISSUES

**The Commissioner's new perspective and approach will be applied to a number of topical issues. Already, she has identified certain priorities in the exercise of her mandate, issues fundamental to ensuring the vitality of the official language communities in Canada and the equality of status of English and French.**

**Quality services.** Serving people in their preferred language is an aspect of quality service sometimes not fully appreciated by federal institutions. We can no longer continue to point out the long lists of persistent deficiencies in the quality of government services and access to those services. Institutions must regard linguistic duality as part of their performance, rather than as a series of actions taken simply



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to comply with the law. The proactive offer of service in the minority language and the effective use of these services by the minorities should serve as performance indicators. It is a question of accountability. This aspect will from now on be approached as a matter of changing organizational culture. The Commissioner will not restrict herself to identifying contraventions of the Act, but will evaluate the institutional circumstances that give rise to them and propose solutions.

**Language of work in the federal public service.** Employees' right to work in their preferred language must of course be guaranteed as the Act stipulates, but a longer view is required to ensure that the public service represents the living culture of linguistic duality. Public service managers should, for example, be encouraged to work in official language minority communities during their careers.

**Public service renewal.** Over the coming years, today's public servants will be gradually replaced by a new generation. This new generation of public servants, many of whom learned both official languages at school, represents an exceptional opportunity to revitalize the culture of linguistic duality in federal institutions. In particular, young people who benefited from immersion and second-language instruction programs will provide an attractive pool of candidates for the public service. In view of the change in culture to be anticipated, public servants at all levels must receive training to encourage understanding and management of Canada's linguistic duality.

**Implementation of the Act.** Our review of government transformations in the 1990s showed that they have profoundly altered the institutional landscape. They have also resulted in a significant erosion of Canadians' language rights. The existing implementation scheme for Canada's official languages policy has been unable to prevent this erosion. The tools for applying the Act, such as government policies and the program evaluation framework, fall short of the mark. They are incomplete and ineffective. Since, today, change is the only constant, it is of the utmost importance to identify what is not working and put in place the tools required to implement the Act in a way that will ensure the attainment of its fundamental objectives.

**Right to minority language education.** It is now clear that full implementation of section 23 of the Charter will require corrective measures with respect to minority communities deprived of their rights in the past. Such measures should include identifying students entitled to minority language education and attracting them to the schools in these minority communities, whether English-speaking or French-speaking, and providing those schools with additional resources. Early childhood education in these communities must also be provided to achieve equality in education.

**Community development.** Twelve years after the current Act took effect, Part VII, which pertains to the equality of English and French in society and the vitality of the minority communities, is still far from achieving the legislators' intent. On the contrary, government transformations have resulted in a transfer of responsibility for the recognition of language rights to individuals and the communities. The aim of Part VII is to change the status quo in the way federal government programs are designed and implemented. All federal institutions must develop the implementation tools required to ensure that their contribution to achieving the fundamental objectives set out by Parliament in Part VII is fully consistent with their mandate, programs and resources. The majority of them have regrettably not yet taken any measures in this regard. The federal government must provide leadership and the required management framework to ensure that this statutory policy is effectively implemented government-wide. It must also, under section 43 of the Act, ensure that the other levels of government respect the language rights of Canadians.

**Equality of English and French in society.** The government of Canada is also required to actively advance the full recognition of English and French as Canada's official languages and their equality of use in all regions and sectors of Canadian society. This applies to every federal institution, to the full extent of its mandate, programs, resources and influence. This provision has seemingly been largely forgotten. It must therefore be actively promoted throughout Canadian society. For this purpose, immersion and second-language instruction programs should be strengthened to increase their contribution to Canada's linguistic duality.

**Health and social services.** The central place that health holds in all Canadians' lives is undeniable. The Commissioner is delighted with the decision by the Committee of Deputy Ministers Responsible for Official Languages to include community health as one of its four working priorities. Communication, and hence the language in which quality health and social services are provided, is of fundamental importance. The institutionalization of official language minority services is not only indispensable to the growth of minority communities; it is also a matter of human dignity.

**Youth.** Young people entering the labour market bring with them a new experience of Canada's languages and culture. For many of them, linguistic duality is a given. We must therefore find ways of connecting with these young people in order to facilitate their entry into the labour market, strengthen their hold on linguistic duality, and offer them access to the public service. The Internet and educational measures will be of crucial importance in this regard.

**Immigration.** Canada will pass a new immigration act in the coming year, and the Commissioner feels this is the time to promote Canada's linguistic duality. Canada's approach should be consistent with a demographic policy that respects the government's commitments set out in Part VII of the Act. Immigration policy should not, as at present, be based solely on economic considerations. It must contribute to consolidate the social fabric of our society.

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**Internet.** A communication and development tool, the Internet is vital to the development of Canada and its French-speaking community. The Commissioner attaches great importance to this issue, which will play a central role in the future.

**The capital of Canada.** The City of Ottawa has recognized the linguistic duality of Canada since 1970. When the Parliament of Canada established English and French as Canada's official languages by adopting the *Canadian Charter of Rights and Freedoms* in 1981, the City of Ottawa adopted equivalent provisions regarding municipal services. It is imperative that the capital of Canada continue to reflect the status of English and French as the country's official languages.

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It is with these elements of a new vision that Commissioner Adam took up her mandate in 1999. The following chapters will report on the issues addressed by the Commissioner and her predecessor and the results achieved.







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# GOVERNMENT TRANSFORMATIONS

## Chapter 2

THE GOVERNMENT TRANSFORMATIONS IN RECENT YEARS HAVE TO A GREAT EXTENT UNDERMINED EXISTING LANGUAGE RIGHTS. IN THE STUDY IT PUBLISHED IN 1998, THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES CONCLUDED THAT THESE TRANSFORMATIONS HAD RESULTED IN A SUBTLE BUT CUMULATIVE EROSION OF LANGUAGE RIGHTS AND WEAKENED THE OFFICIAL LANGUAGES PROGRAM IN THE FEDERAL ADMINISTRATION. IN THE PAST YEAR, THE COMMISSIONER HAS CLOSELY MONITORED SEVERAL SECTORS IN THIS REGARD.

**GOVERNMENT SERVICES.** THE COMMISSIONER HAS MADE SPECIFIC RECOMMENDATIONS TO THE TREASURY BOARD SECRETARIAT REGARDING THE PRESERVATION OF LANGUAGE RIGHTS IN GOVERNMENT TRANSFORMATIONS. ITS RESPONSE WAS GENERALLY POSITIVE BUT WARRANTS ONGOING FOLLOW-UP.

**CONTRAVENTIONS.** THE OFFICE OF THE COMMISSIONER HAS CONDUCTED SEVERAL INVESTIGATIONS CONCERNING THE PROVISIONS OF THE *CONTRAVENTIONS ACT*, ITS REGULATIONS AND AGREEMENTS ON THEIR IMPLEMENTATION. THE COMMISSIONER HAS FILED A REMEDY APPLICATION IN FEDERAL COURT IN THIS REGARD.

**MUNICIPALITIES.** THE TREND TOWARD THE CONSOLIDATION OF MUNICIPALITIES HAS HAD AN IMPACT ON THE VITALITY OF THE OFFICIAL LANGUAGE COMMUNITIES, WHICH MAY BE A MINORITY IN A PROVINCE BUT A MAJORITY IN A PARTICULAR MUNICIPALITY.



**Airports.** The privatization of airports has resulted in a number of complaints about service and signage in both official languages. The Commissioner has conducted investigations of this issue.

## 2.1 GOVERNMENT SERVICES AND THE MINORITY COMMUNITIES

Government transformations have had widely varying legal and practical effects, depending on the situations in which they have been introduced. These include the delegation of authority or service delivery to various levels of government, the withdrawal of the federal government from areas of jurisdiction shared with the provinces, privatization, and the sale or abolition of certain services. In all cases, these transformations concern the Commissioner to the extent that they can have an impact on services provided in the official language of the minority, reduce the capacity of federal employees to work in their preferred language, or fail to take the vitality and development of the minority communities into account.

**Problem:** Recent history shows that government transformations have adversely affected the quality of services provided to the official language minority communities.

**Principle:** The constitutional principle of progressing toward the equality of English and French must guide any government transformation.

**Action:** The Commissioner encourages the Treasury Board Secretariat to implement the recommendations of the task force on government transformations. She encourages joint initiatives by Human Resources Development Canada and the communities. In addition, the Commissioner has conducted a study of the forms of delegation of government service delivery to the communities.

## FIVE GUIDING PRINCIPLES

In its 1998 study entitled *Government Transformations: The Impact on Canada's Official Languages Program*, the Office of the Commissioner formulated five guiding principles that should be applied to government transformations from the point of view of official languages:

1. the preservation of the public's existing language rights;
2. the establishment of remedy and redress mechanisms;
3. the establishment of accountability mechanisms;
4. the securing of a formal commitment to protect and promote the development of the official language minority communities;
5. the consideration of the language rights of federal employees affected by these transformations.

These principles embody the approach of the Commissioner, who advocates the preservation of the existing rights of Canadians to be served in their preferred official language when service is the responsibility of a federal institution, regardless of the type of government transformation involved.

The principles were designed to prevent any further erosion of language rights. However, the overriding principle that must guide the actions of the Parliament and government of Canada goes well beyond the preservation of existing rights. This great constitutional principle is that of the advancement toward equality of English and French and the vitality of the official language communities, particularly those in a minority situation.

Another problem arising from government transformations is the federal government's increasing lack of accountability for the recognition of language rights. The devolution of powers to various levels of government, or outright privatization, often results in a relaxation of linguistic obligations. It then becomes the responsibility of citizens and the communities, at their expense, to demand respect for their rights. This burden is added to the other difficulties facing the minority communities. This is indeed an unacceptable transfer of responsibility from the federal government to ordinary Canadians. It is therefore up to the federal government to shoulder its responsibilities and ensure, as section 43 of the Act prescribes, that the other levels of government respect existing language rights.

## **"NO TURNING BACK"**

In the conclusion of his 1998 study, the Commissioner recommended that a task force be created to identify the problems caused by government transformations from the perspective of official languages and find solutions to them. The President of the Treasury Board quickly agreed and appointed a task force that submitted its report in January 1999.

Entitled *No Turning Back: Official Languages in the Face of Government Transformations*, the report of the task force headed by Yvon Fontaine confirmed the Commissioner's analysis and made a host of recommendations designed to integrate the issue of official languages into any government transformation.

The Treasury Board Secretariat (TBS) seems to have accepted the task force's recommendations, since it has set about developing a policy to take official language requirements into account when developing large-scale government initiatives and

programs. According to the TBS, "It is government policy that institutions subject to the Act and contemplating initiatives or transformations must analyze the effects on institutional bilingualism and on the development of official language minority communities, to ensure that official languages objectives are met."<sup>1</sup> The TBS also added a section devoted to government transformations to its annual official languages report.

The Commissioner is pleased with the renewal of these commitments but remains vigilant with regard to the effectiveness of the measures that will be taken, since the process has barely begun. She notes that no clear and obvious change has yet occurred and that the draft policy circulated by the TBS at the end of the year does not respect all of the five guiding principles set out in the 1998 study. In addition, various privatizations of public services continue to take place without the provisions of the *Official Languages Act* being taken into account. For example, local and regional airports are being ceded without the establishment of official languages control mechanisms (see section 2.4 below), and Via Rail is privatizing certain routes without ensuring that linguistic obligations are met. The Commissioner has intervened with the TBS and the Department of Transport in these two cases.

## HUMAN RESOURCES DEVELOPMENT

The human resources development sector received special attention from the Commissioner in 1999. She conducted an investigation following complaints about the federal-provincial agreements on labour market development. These agreements, negotiated by Human Resources Development Canada (HRDC), provide for the transfer of the management of various labour training and education programs to the provinces. The complaints concern the lack of services available in the minority language under these agreements. The Commissioner will report on this investigation in her next Annual Report.

In the coming year the Commissioner will also conduct a follow-up on the 1997 study on the *Employment Insurance Act* and the labour market development agreements. In its previous investigation, the Office of the Commissioner recommended that HRDC, Canadian Heritage and the Treasury Board Secretariat ensure that existing language rights are maintained in this type of agreement. The Commissioner will therefore report on the extent to which her recommendations have been followed and on the changes that have taken place.

Finally, with regard to human resources, the Commissioner wishes to cite as examples two initiatives that illustrate how federal institutions and the official language minority communities can work together. In Quebec, the Human Resources Regional Table of the English Language Community and, elsewhere in Canada, the National Committee for Canadian Francophonie Human Resource

<sup>1</sup> Treasury Board of Canada Secretariat, *Official Languages Full Sail Ahead*, Ottawa, March 2000.



Development are joint initiatives of HRDC and the communities. These joint bodies seek to identify the economic needs of their communities through consultations and studies and to bring them to the attention of government institutions. In each province and territory, they establish economic development and employability groups that set priorities and make joint economic development plans. In return they provide information on federal government services and programs.

In a speech to the Human Resources Regional Table of the English Community in Quebec City, on November 16, 1999, the Commissioner stated that this new planning body should be able to meet such challenges as the under-representation of Anglophones at various levels of the public service, continuing education, distance training and language instruction, the integration of new information technologies into community development, and tourism development.

## DELEGATION TO THE MINORITY COMMUNITIES

Since the Commissioner is very supportive of this approach taken by the human resources development committees, she has ordered a study on existing methods of co-operation in Canada between government and the communities. In addition to itemizing the various types of co-operation, the study will identify the conditions that must be met to ensure compliance with the spirit of the *Official Languages Act*.

The results of this study will appear in the next Annual Report. However, it already appears from the examples studied, such as the National Committee for Canadian Francophonie Human Resource Development, that the procedures adopted on the whole guarantee real equality in the delivery of services. A series of recommendations will be made, both to the federal government and to community groups that plan to enter into such agreements on the delegation of government services. They will be based on the principles of the preservation of existing rights, equality of service to the majority and the minority, the monitoring and evaluation of results, the multi-year and sustainable nature of the agreements, and a smooth transition.

*The Community Table and the Joint Steering Committee of the National Human Resources Development Committee for the English Linguistic Minority produced a needs assessment study which evaluated the human resources development needs in eight regional English linguistic minority communities across the province of Quebec. The study produced eight reports and a province-wide summary of human resource and economic development opportunities. The needs assessment study was a product of the Memorandum of Understanding between Human Resources Development Canada (HRDC) and the English minority language communities signed in May 1998.*

The Commissioner intends to promote such a co-operative approach through all the means available to her. As one example, she cites the single-window concept developed by the Assemblée communautaire fransaskoise, with the endorsement of Canadian Heritage and the Federal Council. In addition, she looks favourably on the development, in Manitoba, of three government service centres for Francophones which will open during the next year.

## 2.2 THE CONTRAVENTIONS ACT CHALLENGED

The federal *Contraventions Act* was amended in 1996 to enable the Government of Canada, by regulations, to authorize a province, territory or municipality to issue tickets and conduct prosecutions for contraventions of federal Acts or regulations under the specific criminal procedure of the province or territory. These amendments to the *Contraventions Act* also provided that the Department of Justice might enter into agreements with provincial, municipal or regional authorities to specify the procedures for handling such prosecutions. However, the changes made to this Act and the agreements made under these new provisions did not include a linguistic guarantee similar to that found in the *Criminal Code* of Canada. This situation is being challenged by the Commissioner in the Federal Court.

**Problem:** The *Contraventions Act*, as amended in 1996, as well as its regulations and the agreements made under these new provisions, do not provide for language rights similar to those guaranteed by the *Criminal Code* and the *Official Languages Act*.

**Principle:** The Commissioner believes that Parliament should amend the *Contraventions Act* to incorporate in it language rights similar to those set out in the *Criminal Code* and ensure that the agreements reached with provincial, territorial, municipal or regional authorities guarantee respect for these rights.

**Action:** The Commissioner pursued the remedy application filed by her predecessor in November 1998.

The Office of the Commissioner noted in its *Annual Report 1998* that it had applied for a remedy against the Department of Justice, with the complainant's consent, in the context of the *Contraventions Act*. This action was taken following a complaint filed in February 1997 by the Association des juristes d'expression française de l'Ontario (AJEFO), which alleged that the Department of Justice had not complied with the *Official Languages Act* (Parts IV and VII) in the adoption and implementation of the *Contraventions Act*, as amended in 1996. The hearing of the case began on January 24, 2000, and will continue in October 2000.

The issue in this case involves government transformations in that the *Contraventions Act*, as amended, allows the prosecution of federal offences under a provincial criminal justice system and provides for the possibility of concluding agreements in this regard. In the specific case of Ontario, the general draft agreement contains no language guarantee, with the result that Ontario provincial legislation on procedures applies. This provides no assurance with regard to respect for language rights. While the *Courts of Justice Act* provides for language rights similar to those guaranteed by the *Criminal Code*, it is not applicable in all cases to the municipalities, and the Government of Ontario chose, under its Bill 108, to empower municipalities to conduct such prosecutions. The application in Ontario of the *Contraventions Act*, as amended in 1996, therefore results in a significant loss of rights which is unacceptable to the Commissioner.

The Department of Justice has also concluded two specific agreements with the municipality of Mississauga, on the one hand, and one specific agreement with the city of Ottawa, on the other, whereby it delegates to them the handling of parking violations and the collection of fines. The first agreement made with the municipality of Mississauga makes no reference to language rights and obligations. The agreement with the city of Ottawa and the second agreement with the municipality of Mississauga, for their part, contain language clauses, but they are not adequate.

The first agreement with the municipality of Mississauga gave rise to an additional complaint against the Department of Justice by AJEFO in December 1997. After investigating, the Commissioner made recommendations similar to those made in 1997 concerning the first complaint. These recommendations are reproduced in the *Annual Report 1998*.

The Commissioner recommended that the Department of Justice incorporate into the *Contraventions Act* the rights set out in the *Criminal Code* and the *Official Languages Act* and make its agreements with the provinces and municipalities subject to these provisions. In addition, the Commissioner recommended that the



Department of Justice consult with the official language minority communities before initiating any project.

The Commissioner notes that the Department of Justice has still not indicated its intention to implement these recommendations. It instead stated in its response to the preliminary report on the second complaint that the issues raised in the report and three of the recommendations made in it are already the subject of litigation in the Federal Court. The Commissioner intends to monitor this issue, as well as the outcome of her remedy application, very closely.

## 2.3 SMALL MUNICIPALITIES, GREATER VITALITY?

The Office of the Commissioner is carefully monitoring municipal transformations, seeking to ensure the preservation of language rights. In many cases, the official language minority community of a province constitutes a majority in the municipal context. The municipality is therefore a focal point and bulwark for minority rights, and its elected officials act as leaders of the community. This advantageous situation tends to be disrupted by the amalgamation of municipalities into large regional entities. This year the Commissioner intervened in particular in municipal amalgamations in Quebec, in Ontario and in the capital of Canada.

- Problem:** Municipal amalgamations sometimes result in the disappearance of small municipalities where the minority communities were actually a majority.
- Principle:** Part VII of the Act encourages governments to strengthen the minority communities; one way of doing this is not to deprive them of the few institutions available to them, including municipal services.
- Action:** The Office of the Commissioner supported minority communities calling for the preservation of existing rights when municipal restructuring takes place.

## IN QUEBEC

Commissioners Goldbloom and Adam both intervened with Quebec provincial authorities to point out the deficiencies of the Bédard report on taxation and local government as regards language rights. Like many municipal councillors of the English-speaking community, the Office of the Commissioner asked authorities to ensure the preservation of the bilingual status of English-speaking districts following a possible merger of Greater Montreal. English-speaking councillors also adopted resolutions providing for conditional municipal referendums on mergers and calling for better services in English from the Montreal Urban Community. Quebec government officials in general responded that services in English will continue to be provided to English-speaking Quebecers after any merger.

### THE WEIGHT OF THE FRANCOPHONE COMMUNITY OF RAYSIDE-BALFOUR

*The municipality of Rayside-Balfour has some 16,000 inhabitants, 57 percent of whom are Francophones. The city of Sudbury has nearly 90,000 inhabitants, 23 percent of whom are Francophones. The Regional Municipality of Sudbury has over 161,000 inhabitants, 29 percent of whom are Francophones.*

### THE WEIGHT OF THE ANGLOPHONE COMMUNITY OF WESTMOUNT

*The city of Westmount has some 20,000 inhabitants, 60 percent of whom are Anglophones. The city of Montreal has nearly a million inhabitants, 11 percent of whom are Anglophones. The Montreal Urban Community has 1.7 million inhabitants, 18 percent of whom are Anglophones.*

In Quebec, section 29.1 of the *Charter of the French Language* recognizes certain rights to English-language services and the use of English as an internal language of work when 50 percent of a municipality's inhabitants are Anglophones. Twelve municipalities on the Island of Montreal are in this category and they demand preservation of this right in the event of a merger into Greater Montreal.

Outside Montreal, the Commissioner also concerned herself with the issue of mergers affecting English-speaking villages. An example is the situation in the Magdalen Islands, where two villages with an Anglophone majority might be amalgamated with six largely French-speaking villages into a single maritime community. Yet the inhabitants of one of the two villages, Grosse-Île, have voted against this proposed merger in a referendum.

## IN ONTARIO

In Ontario, a number of French-speaking communities in the Ottawa and Sudbury regions, which are covered by Bill 25 on municipal amalgamations, submitted briefs demanding the preservation or improvement of French-

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language services following any amalgamations. The Commissioner discussed the protection of language rights after municipal amalgamations with the board of the Association française des municipalités de l'Ontario. She submitted briefs to Glen Shortliffe and Hugh Thomas, advisers to the Minister of Municipal Affairs who are responsible for studying the restructuring of the Ottawa and Sudbury regions. When Bill 25 creating the restructured cities was tabled in the Ontario legislature in December 1999, the Commissioner contacted the Minister of Municipal Affairs, Tony Clement, and Premier Mike Harris to reiterate the importance of preserving existing language rights and recognizing the official status of English and French in the restructured cities of Ottawa and Sudbury. The Commissioner intervened again when the Ottawa and Sudbury transition boards were put in place to emphasize the importance of bilingualism at the municipal level.

### BILINGUAL

#### OTTAWA: A MUST

*"Like the Parliament Buildings, the Supreme Court of Canada and the War Memorial, the bilingual dimension of the National Capital is an extremely important symbol for millions of Canadians across the country, in addition to enhancing Canada's image abroad."*

- Dyane Adam,  
Commissioner of Official Languages

## IN THE CAPITAL OF CANADA

The Commissioner has intervened several times with regard to municipal amalgamation in Ottawa. She attaches crucial importance to the case of Ottawa because it is the capital of Canada, and it would be inconceivable for the two official languages not to have equal status there. She accordingly met with the committee responsible for developing municipal language policy to draw attention to the spirit of Part VII of the Act (section 43(d)), which sets out the federal government's commitment to take measures to encourage other levels of government to provide municipal services in both English and French. In this regard, she sought and received the support of the Prime Minister of Canada.

## 2.4 TRANSFERRING AIRPORTS WITHOUT ABANDONING LANGUAGE RIGHTS

Since the early 1990s, Transport Canada has been privatizing the operation of airports under the *Airport Transfer Act*. Transfers have taken place through sale, in the case of local and regional airports, and through lease, in the case of major airports. Complaints have been received to the effect that the provisions of the *Official Languages Act* are not always respected, and the Commissioner has investigated these complaints. In addition, she intervened regarding the amendment of the regulations under the *Aeronautics Act* to guarantee respect for language rights in pre-boarding passenger and luggage screening.



## LOCAL AND REGIONAL AIRPORTS

**Problem:** Certain local and regional airports transferred by Transport Canada do not meet their linguistic obligations because no control is exercised by the latter. In addition, at the end of 10 years, these obligations may be abolished.

**Principle:** Airport transfer agreements must provide not only for the preservation of linguistic obligations but also for control mechanisms and penalties.

**Action:** The Commissioner investigated and recommended that Transport Canada actively promote the enforcement of linguistic obligations.

The Office of the Commissioner decided to conduct an investigation after complaints were received about the failure to respect clients' language rights in certain regional airports sold by Transport Canada to private interests. The investigation showed that the operating agreements with the new owners contained provisions on the availability of certain services and on communications in both official languages. However, Transport Canada has not put mechanisms in place to ensure compliance with these provisions. In addition, at the end of the 10 years covered by these agreements, there is nothing to oblige the airport owners to maintain services in both official languages.

The Commissioner finds this situation unacceptable. A number of regional airports are affected by this oversight: Sudbury, Timmins, Sept-Îles, Windsor, Armouth, Val d'Or, Charlo, North Bay and Sault Ste. Marie. The Commissioner has recommended that Transport Canada develop mechanisms to audit the implementation of the language provisions contained in the transfer agreements. Given that the new owners are not bound by such mechanisms under the agreements signed, Transport Canada should offer its active co-operation to support their implementation. The Commissioner also recommended that measures be taken to ensure that language rights are respected after the 10-year period provided for in the initial agreements.

Transport Canada responded without delay to the Commissioner's recommendations by affirming its desire to do everything in its power to ensure the enforcement of the language provisions, although the airport facilities that have been sold are no longer "offices" under its responsibility, in the terms of the *Official Languages Act*.

The Commissioner will remain watchful to ensure that the language provisions are implemented under the 10-year agreements and that services in both official languages are established firmly enough to compensate for the possible loss of legal obligations in this regard upon expiration of the agreements.

## PRE-BOARDING SCREENING POINTS

- Problem:** Certain screening services at boarding points, provided by Transport Canada or third parties, do not comply with the prescribed linguistic obligations.
- Principle:** Transport Canada must ensure that screening services are provided in both official languages.
- Action:** The Commissioner recommended improvements that were introduced by Transport Canada, particularly the adoption of the right to impose fines on operators.

After many complaints, in 1998, the Office of the Commissioner carried out a special study on the language of communication at pre-boarding passenger security screening points at airports. The recommendations of this study were concerned with improving screening mechanisms and with guidelines for air carriers responsible for pre-boarding security.

Transport Canada then undertook, among other things, to revise the regulations adopted under the *Aeronautics Act* to impose fines on airlines when passengers' language rights are not respected at security screening points. Previously, the Department had to rely on voluntary compliance and had no other recourse than referral to the courts. In addition, the Department improved its screening mechanisms and clarified its guidelines on pre-boarding security.

The Office of the Commissioner supported Transport Canada's efforts to strengthen enforcement of the provisions of the *Official Languages Act*. It is pleased with the Department's efforts to improve the provision of service in both official languages at airports. The Commissioner will conduct a follow-up on the 1998 study in the coming year to verify the effectiveness of the measures taken.

## CONCLUSION

The effort to achieve a “zero deficit” in the federal government has resulted in many government transformations, whose impact is already contributing to the erosion of available services. With regard to official languages, the Commissioner finds that existing rights are often infringed by these transformations. The many complaints received in this regard and the studies conducted by the Office of the Commissioner and other groups indicate that these transformations continue to erode the language rights of Canadians.

More than a year after receiving the recommendations of the Fontaine Report, after the discouraging findings of the Savoie Report and, finally, following the Supreme Court decision in the Beaulac case, there are more words than deeds. Unfortunately, we are still waiting for concrete actions to reverse the current. Clearly, the senior levels of the public service and the political machinery have not fully integrated the primary objective of the *Official Languages Act* into their operations.

In all her dealings with the various federal departments and other levels of government, the Commissioner has always advocated the five guiding principles that officials should take into account when government transformations occur. The primary objective is to preserve existing rights and ensure the advancement and development of the minority communities. In addition, governments must put in place redress, remedy and accountability mechanisms so that persons with rights can make their views known. Existing rights and redress mechanisms constitute democratic counterweights to the government’s right of management, in whatever manner it may be exercised. Finally, the language rights of employees affected by these transformations must be taken into account.

Underlying this more incisive approach, there must be renewed leadership by elected officials and senior federal bureaucrats. The official languages, as a fundamental value of Canada, must be integrated into their vision and practices. Officials must use the two languages. They must not only give pride of place to procedures that promote the official languages but must also give an accounting of the results achieved.





TIME TO FOCUS  
ON COMMUNITY  
DEVELOPMENT

1999-2000

## Chapter 3

**G**IVEN THEIR MINORITY SITUATION AND THE FACT THAT THEY HAVE NOT ALWAYS RECEIVED FAIR TREATMENT IN THE PAST, THE OFFICIAL LANGUAGE MINORITY COMMUNITIES ARE ENTITLED TO BENEFIT FROM REMEDIAL MEASURES WHERE REQUIRED TO RE-ESTABLISH THE EQUALITY OF THE TWO OFFICIAL LANGUAGE COMMUNITIES. THE ACTIVE SUPPORT OF FEDERAL INSTITUTIONS AND THEIR OPENNESS TO COLLABORATION WITH THE COMMUNITIES ARE OF VITAL IMPORTANCE. DURING THE PAST YEAR, THE OFFICE OF THE COMMISSIONER INTERVENED ON A NUMBER OF OCCASIONS RELATING TO SUCH COLLABORATION, MAINLY IN RELATION TO PART VII OF THE *OFFICIAL LANGUAGES ACT*, WITH RESULTS WHICH MIGHT WELL HAVE LONG-TERM IMPACT. THERE ARE THREE ASPECTS TO THE REPORT ON THE YEAR'S COMMUNITY-DEVELOPMENT RELATED ACTIVITIES:

**GOVERNMENT CONTEXT:** THE FEDERAL GOVERNMENT APPROACHES ITS OBLIGATIONS UNDER PART VII OF THE ACT TIMIDLY. THE COMMISSIONER IS CONSTANTLY REMINDING IT OF THIS, WHILE POINTING OUT TO THE MINORITY COMMUNITIES THAT THEY NEED TO USE THIS TOOL TO ATTAIN THEIR FULL DEVELOPMENT.

**HEALTH:** ONE OF THE HIGH POINTS OF THE YEAR WAS THE ONTARIO DIVISIONAL COURT DECISION IN FAVOUR OF MAINTAINING SERVICES TO FRANCOPHONES BY OTTAWA'S HÔPITAL MONTFORT. THE COMMISSIONER IS PLEASED WITH THIS INITIAL VICTORY, BUT THE BATTLE IS NOT OVER BECAUSE THE PROVINCE HAS APPEALED THE DECISION. SHE ALSO ENCOURAGED THE GOVERNMENT OF QUEBEC TO RENEW THE FEDERAL-PROVINCIAL AGREEMENT ON HEALTH SERVICES FOR ITS ENGLISH-SPEAKING COMMUNITY.

**Language of instruction:** If contemporary history shows one thing, it is that the development of the minority communities requires quality education in their language. The present Commissioner, and her predecessor, intervened on several occasions in court proceedings in support of minority language education rights.

### 3.1 FEDERAL AMBIVALENCE ABOUT PART VII

For the official language minority communities, as well as for the Office of the Commissioner, Part VII of the *Official Languages Act* has particular importance. This is more than a mere legal reference; it is a development tool that will help shape the future. Part VII is an instrument used by the communities and the Office of the Commissioner to enforce existing rights with respect to full community life in both official languages.

**Problem:** Federal institutions are not entirely fulfilling their obligations with respect to the development of the official language minority communities and the recognition of English and French.

**Principle:** Central federal government agencies need to take a stronger lead role in requiring all federal institutions to contribute actively to the development of the minority communities.

**Action:** The Commissioner called upon the government to take concerted action. She welcomed the announcement of the expanded role of the Committee of Deputy Ministers Responsible for Official Languages.

At the time it was enacted in 1988, the *Official Languages Act* marked a major milestone in the establishment of language rights and the protection of Canada's minorities. It sanctioned a new type of rights, the collective dimension of which opened up a new perspective. The legislators used active verbs and terms that could not have been more stringent, such as "enhancing vitality" and "full recognition." The intent was to make it clear that the purpose of Part VII was not to maintain the status quo but instead to change the way the federal government's programs are designed and implemented.

Like the Supreme Court of Canada, which affirmed the remedial nature of language rights in its decision in the Beaulac case (see section 4.2), the Commissioner believes that implementation of Part VII of the Act needs to reflect the remedial character of this provision, which is intended to remedy, on a national



scale, the historic and gradual erosion of the rights of minorities. This is the only way that all Canadians will be able to live in English or in French in their country and that Canada's specific identity can be strengthened.

For this reason, the Commissioner places a high priority on implementation of Part VII in fulfilling her mandate. Since 1988, the federal government has been monitored in terms of its obligation to change its structures and approach. Every federal institution has an obligation to put in place an "appropriate implementation scheme" in order to help achieve the objectives of the Act, having regard to the institutions' particular mandates, programs, resources and influence.

In the past year, the Office of the Commissioner has concentrated on directly increasing awareness at the highest levels of government of the requirements of Part VII and the need to update the way it is being applied. This has resulted in numerous interventions with institutions having responsibilities in this area. As the year winds down, the Commissioner is pleased with some of the progress made, but feels it is important to stress that much is yet to be done.

## SOME PROGRESS

In his *Annual Report 1988*, the Commissioner clearly stated that each department was to appoint a senior executive reporting directly to the Deputy Minister to act as an official languages champion. This year, the Commissioner took it upon herself to meet with the departments and Crown corporations in order to focus on their contribution and determine their expectations. Finding that the "champions" were now in place, she made it clear that they would be expected to fulfil their roles completely in the future. The impact of this approach has yet to be determined, and the Commissioner will be examining it closely this year.

The Office of the Commissioner has repeatedly said that the implementation scheme for Part VII is not up to the mark in terms of the commitments made and that government leadership is therefore required at the highest possible level. The Commissioner proposed that the central government agencies adopt a concerted approach in order to extend the implementation of Part VII to the government as a whole.

The Clerk of the Privy Council formally approved the recommendations of the Office of the Commissioner by announcing, in February 2000, an expansion of the mandate of the Committee of Deputy Ministers Responsible for Official Languages (CDMOL). Equipped with a permanent secretariat, the committee plans to "provide integrated leadership and constitute a high-level forum on official languages issues within Canada's machinery of government." In addition to evaluating the general

### PART VII

*The Government of Canada is committed to:*  
*(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and (b) fostering the full recognition and use of both English and French in Canadian society.*

- Official Languages Act,  
Part VII, section 41 (1988)

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official languages situation, the committee will adopt annual priorities and strategic objectives in order to guide all federal institutions in the following three sectors: institutional bilingualism, the promotion of linguistic duality, and the development of the official language minority communities. The committee plans to initiate dialogue with representatives of the minority communities and of national organizations working in the area of official languages. The Commissioner is particularly pleased that the CDMOL adopted four strategic priorities as early as February 2000: renewed vision, French on the Internet, the health sector, and language of work.

Direct collaboration between federal institutions and the communities is essential in implementing Part VII. To this end, the Commissioner wishes again this year to draw attention to the progress that has been made by Human Resources Development Canada in forging closer ties with the communities. The National Committee for Canadian Francophonie Human Resources Development and the Human Resource Regional Table of the English Language Community in Quebec are exemplary in this regard.

By participating in these joint committees with the communities, the federal government is demonstrating a common approach to the development of a sector that should be adopted elsewhere. The Commissioner recommends greater use of this approach, which has to date been restricted to the human resources development sector.

The new advisory committee on minority Francophone communities to be appointed by the Minister of Health in the spring of 2000 seems to be somewhat along the same lines. This committee is being struck as a response to the brief submitted by the Fédération des communautés francophones et acadienne du Canada, which stressed the importance these communities attach to the health sector. The Commissioner will be following the impact of this new joint body with interest.

### INERTIA PERSISTS

Given the scope of the challenge involved in totally fulfilling its commitment to enhance the vitality of the minority communities, whatever activities the federal government has undertaken have not been broad enough to counterbalance the continuing inertia. In his *Annual Report 1998*, the Commissioner pointed out that only 27 of the 200 or so federal institutions were required to report on their responsibilities under the *Official Languages Act*. This represents less than 20 percent of federal institutions, while the rest remain an unknown quantity. The present Commissioner notes that there has been virtually no change in the situation and again points out the inadequacies of this approach. She proposes that institutions examine their own performance against the six quality indicators developed by the Office of the Commissioner in 1998 to evaluate action plans relating to Part VII.



As far as these 27 designated institutions are concerned, one of the difficulties has been to assess how much impact their actions have had on the communities. Their action plans and reports continue to focus more on their activities than on their impact on the minority communities. Yet results-based management is now an integral part of the federal public service culture and ought not to be dissociated from the official languages question. In rigorously measuring their performance, the designated institutions ought generally to be contacting the communities themselves in order to determine whether they have achieved the expected results.

The designated federal institutions often raise the point that their current programs meet the needs of Canadians and thus are fulfilling their responsibilities toward the minority communities. However, the Commissioner finds that, more often than not, these programs do not dovetail with the specific needs of the minority communities. It is in fact rare to see ingenuity in the creation of tailor-made programs for these communities, yet this is what should be encouraged by Part VII of the Act.

In this regard, the Commissioner wishes to highlight the worthwhile initiative by Western Economic Diversification in making the effort to set up Francophone community development organizations in each of the four western provinces. These have permanent funding and administer funds to assist small and medium-sized businesses.

The Commissioner underlines that it is advisable for federal institutions to work in close co-operation with the communities to properly identify their requirements and review their programs for these communities in light of those requirements.

In all, some progress was recorded in 1999-2000, and a number of praiseworthy principles now appear to be in place, but federal institutions still have a long way to go before their responsibilities under Part VII are fully met. They can be sure that the Commissioner will be monitoring them closely and encouraging them to explore new ground.

#### QUALITY INDICATORS

*The Commissioner plans to assess the action plans of federal institutions against the following six indicators:*

- *suitable policy framework and leadership;*
- *appropriate implementation strategy;*
- *results achieved and targeted impact;*
- *management systems and performance monitoring;*
- *accountability and reporting framework;*
- *integration of Part VII into the institutional culture.*

### 3.2 MOBILIZATION FOR HEALTH

**The threatened closure of Hôpital Montfort has stirred up public opinion and mobilized the Franco-Ontarian community since 1997. The Office of the Commissioner intervened on several occasions, and a temporary solution was**



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reached in 1999. In Quebec, the Commissioner also sought to encourage the governments to renew a federal-provincial agreement on health and the English-speaking minority.

**Problem:** The Government of Ontario was at first contemplating the closure of Hôpital Montfort and, later, cutbacks to the services it provides to the Franco-Ontarian community.

**Principle:** Hôpital Montfort is an institution of pivotal importance to the vitality of the Franco-Ontarian community and must be preserved, in accordance with Part VII of the Act.

**Action:** On a number of occasions, the Commissioners have added their support to the movement to save the Montfort.

In February 1997, the Health Services Restructuring Commission of Ontario recommended the closure of Ottawa's Hôpital Montfort. Commissioner Goldbloom immediately intervened with the Ontario Minister of Health, while acknowledging that health falls under provincial jurisdiction. During the Franco-Ontarian community's lengthy battle to keep the services provided by the Montfort untouched, the Commissioner remained actively involved in pointing out the pivotal importance of this health care institution for the Franco-Ontarian community. He stated that in so doing he was fulfilling his mandate under Part VII of the *Official Languages Act*.

The arguments made by the Commissioner were that Montfort is the region's only hospital providing a full range of health services in French and that it is important for patients to be able to communicate in their own language, particularly since Montfort serves a population pool that extends far beyond Ottawa and includes unilingual Francophones. Given the shortage of French-speaking health professionals in Ontario, Montfort plays an essential training role as well. The Commissioner also emphasized the attachment Franco-Ontarians have to this institution, as well as the national significance of this case under the *Canadian Charter of Rights and Freedoms*.

Opponents of the closure and service cutbacks at Montfort filed an action on April 7, 1997, in the Ontario court. Commissioner Goldbloom was summoned to appear by counsel for the applicants and testified. On November 29, 1999, the Ontario Divisional Court acknowledged the merits of the application and accepted the argument that the existence of such a hospital is essential to preservation of th

culture of the Franco-Ontarian minority as well as to the delivery of medical services and medical training in French. According to the Court, the Commission did not respect one of the fundamental principles underlying the Canadian Constitution, namely, the protection of minorities. The Commission's directives were therefore invalidated.

The Health Services Restructuring Commission has filed an appeal of the decision, which should be heard in 2000. In this connection, the Commissioner will, like her predecessor, keep abreast of new developments and their impact upon the vitality of the Franco-Ontarian community.

In Quebec, the Commissioner intervened in the context of changes to the health system in order to encourage the provincial government to renew the federal-provincial agreement on health and social services for the English-speaking community. Among other things, this agreement would make it possible to implement programs and a co-ordination structure appropriate to the needs of the English-speaking community.

### 3.3 EDUCATION IN THE MINORITY COMMUNITIES

**The *Canadian Charter of Rights and Freedoms* entrenched what minority communities had been asserting from the outset: that schools are the cornerstone of their development. In fact, section 23 of the Charter recognizes the right to instruction in the minority language. There is, however, a long process fraught with political and legal obstacles between recognition of this right and its full application, one which the minority communities are still in the process of negotiating with the support of the Office of the Commissioner.**

The new Commissioner has taken up the challenge with enthusiasm and determination. She sees the mission of the schools as a clear one: to remedy the gradual erosion over the years of the minority communities and to encourage their full development. To meet the challenge imposed by this mission, the Commissioner notes that it must first be understood that this erosion is the result of past injustices, including ongoing inequalities on the national level between the French-language and English-language education systems. It must also be acknowledged that this erosion is detrimental to these communities not only on the institutional, economic and demographic levels, but also psychologically and culturally.

When the Commissioner spoke to the French-Language Early Childhood Summit in Toronto on January 29, 2000, she took advantage of the opportunity to call upon those active in this area within the communities to work together on developing a plan to implement minority language education rights. The clock has been ticking since 1982, and prompt action is required, with realistic plans that

match the scope of the resources to be brought to bear. The Commissioner has three priority concerns:

1. the difficulty that French-language minority schools experience in identifying and attracting pupils eligible for minority language instruction under the Charter;
2. the urgent need to address issues of early childhood;
3. the necessity of reconciling young people's fascination with global culture, with its heavy American influence, and an attachment to their own language and culture.

These points will be explained in greater detail below, followed by the key legal issues raised by section 23 of the Charter.

## ATTRACTING PUPILS ELIGIBLE UNDER THE CHARTER

<b>Problem:</b>	Close to half the pupils eligible for minority language instruction under the Charter do not attend French-language schools.
<b>Principle</b>	Education of these pupils in French is a condition for ensuring the vitality of Canada's linguistic duality.
<b>Action:</b>	The Commissioner conducted two studies clarifying this complex issue.

### SCHOOLS

*"A school is the single most important institution for the survival of the official language minority."*

Parents who meet the requirements of section 23 have the right to have their children educated in the minority language. The Office of the Commissioner wished to make a contribution to meeting the challenge posed by the education of these pupils in the minority language by outlining the profile and history of this group since 1982 and by exploring the motives behind the school choices made by their parents. It is a major challenge to attract the missing half of this group of eligible pupils to French-language schools, so that they do not lose their family heritage, and thus to strengthen the communities. To this end, French-language minority schools must find a way to convince parents who hold educational rights that they offer as much as, if not more than, their English-language counterparts. This requires schools to truly be centres of excellence providing quality education, enjoying active support from their immediate community and reflecting that community.



## WHAT DETERMINES THE SCHOOL CHOICES OF PARENTS?

The study entitled *Motivations for School Choices by Eligible Parents Outside Quebec* was released in January 1999. According to its findings, more parents are likely to choose a French school if it is associated with a French-speaking community perceived as a vibrant one. Parents who responded believed that the feeling of belonging to the French-speaking community, the integration of academic and community activities and the geographic proximity of the school to the place of residence are all motivating factors. As well, the fact that non-Francophone parents are also welcome in the school and that the curriculum accommodates the learning of English are other motivating factors. The Commissioner feels that this study offers an analytical model usable by minority communities to gain a better idea of the specific challenges facing them.

## PROFILE OF ELIGIBLE PUPILS SINCE 1982

The Commissioner undertook to draw up a profile of the changes in the population of pupils entitled to be educated in French since 1982, the date the Charter was adopted, with its section 23 relating to the right to minority language education. According to the study, the number of children whose parents exercised their rights declined steadily between 1986 and 1996. More frequent recourse to section 23, however, appears to have slowed this decline in recent years, while increasing the number of schools and their staff. The objectives of section 23 are far from being achieved. We must re-emphasize the need for remedial action at all levels of the education system. The study is to be completed and released during the coming year.

## MAJOR INTERVENTIONS REQUIRED IN EARLY CHILDHOOD

- Problem:** Minority communities do not have the necessary resources to ensure early childhood development (ages zero to five).
- Principle:** Early childhood is the crucial time in personal development, and society must commit to providing minority communities with the means of dealing with it properly.
- Action:** The Commissioner has taken a position on a number of occasions in favour of a strategic government commitment concerning early childhood.

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At the time of the Early Childhood Summit, the Commissioner applied to the children of the linguistic minority communities in Ontario the conclusions of the Mustard-McCain Report, which sounds the alarm regarding the fundamental importance of the first years of life, particularly the first three. She suggested that the conditions for positive development are directly related to the family environment, of course, but also involve education and the community. The school can have a direct influence on this critical stage of development by making adolescents aware of the importance of their future role as parents and by becoming part of the network of community parenting resources.

This is a very ambitious undertaking, but the problem is a major one, and it is clear that the minority communities are often the least well equipped with the resources and services to address it. This is why the Commissioner believes that it falls within the scope of Part VII of the *Official Languages Act* and of section 23 of the Charter. In her speech to the Summit, she concluded that an adequate network of day-care facilities, additional preschool services and appropriate early childhood programs for official language minority communities are all indispensable resources for enhancing their development.

In her speech in Ottawa to the Forum Femmes Francophones du 3e Millénaire on March 2, 2000, the Commissioner went still further, calling upon the participants to ensure that the new National Children's Agenda takes into consideration the specific needs of children living in minority communities. She reiterated her support for Team Francophonie, composed of the heads of provincial and national associations, in its involvement in this issue.

Once again, the Commissioner noted that it is up to the federal government to provide the resources the official language minority communities require to fully enjoy their language rights.

### DUALITY: NOT A GIVEN, IN THE CONTEXT OF GLOBALIZATION

- Problem:** With the attraction of American culture, Canada's young Francophones, and their Anglophone counterparts as well, are at risk of identifying less and less with Canadian duality.
- Principle:** Individuals require solid roots if they are to make an optimum contribution to global diversity.
- Action:** The Commissioner calls upon governments to ensure that young Canadians have a good command of their own language and culture.

Her first public speech after becoming Commissioner, delivered on August 6, 1999, to the Association canadienne d'éducation de langue française, provided Dr. Adam with the opportunity to share her reflections on the education and identity of young people in Canada in an era of globalization. Situating her role in the overall Canadian context, she stated that linguistic duality is without a doubt one of the qualities that distinguishes Canada, a characteristic shared by only a handful of other countries. This duality, however, cannot be taken for granted. To support this view, she analyzed the increasing trend for young Canadian Francophones to identify with the English language and the American culture. To some extent, Americanization affects their English-speaking counterparts as well. In her opinion, this represents a neglect of something that is central to cultural identity. As she put it, "It is only when their linguistic, community and cultural roots are solid that our young people will be able to extend the branches of their knowledge, skills and support in all directions toward the big, wide world."

The Commissioner's conclusion as it relates to fulfilling her mandate is that Canada must do everything required to ensure that our young people may reconcile their fascination with a pluralistic, multilingual, dynamic and open world culture with an attachment to their own language and culture. The vitality of both of the country's official languages depends on it.

## THE SUPREME COURT RECONFIRMS THE RIGHT TO SCHOOL GOVERNANCE

**Problem:** The Prince Edward Island Minister of Education contested the decision of that province's Court of Appeal directing that a French-language school be opened in the community of Summerside.

**Principle:** The application of section 23 of the Charter requires respect for the decisions taken by minority school boards.

**Action:** The Commissioner intervened before the Supreme Court, and its ruling was in favour of the parents.

Once again, the Supreme Court of Canada confirmed the right of minority language parents to schools in their language and to the exclusive management of instruction in the language of the minority in its judgment in *Arsenault-Cameron v. Prince Edward Island* in January 2000. It confirmed the right of French-speaking



parents in Summerside, P.E.I., to have their children educated in that city in French. In this case, the parents were challenging the decision by the Minister of Education to bus their children to a neighbouring village for schooling in French, although their numbers warranted the opening of a school in Summerside, with the agreement of their school board.

## SECTION 23

### LANGUAGE OF INSTRUCTION

#### (1) Citizens of Canada

*(a) whose first language learned and still understood is that of the English or French linguistic minority of the province in which they reside, or*

*(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.*

#### Continuity of language of instruction

*2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary language instruction in the same language.*

#### Application where numbers warrant

*(1) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province*

*(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and*

*(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.*

Canadian Charter of Rights and Freedoms, section 23 (1982)

The Commissioner intervened in this case, focusing on his interpretation of section 23 of the Charter. In his view, the Minister must always take section 23 into consideration where minority language instruction is concerned. In particular, the Minister must consider the impact of such decisions on the language and culture of the minority community. The Minister must in addition respect the decision of the French-language school board, acting as the representative of parents who hold minority language educational rights, and must not substitute any decision for that of the French-language school board on grounds that are not pertinent to the application of section 23 of the Charter.

The judgment re-emphasized the fact that language rights cannot be dissociated from concerns about the culture conveyed by that language. It reaffirmed that the purpose of section 23 is to remedy past injustices and that true equality may, under certain circumstances, require official language minorities to be treated differently in order to provide them with a standard of education equivalent to that of the official language majority. As well, the right to education in the minority language exists everywhere in the province, and the Court took local needs into account, finding that the number of students in Summerside was sufficient and that the Minister had not respected the exclusive right of the minority to administer its schools. The Court stated that the costs of the planned services ought not to have been taken into consideration by the Minister and that he therefore ought not to have turned down the parents' request.

This decision has had considerable impact. It will be used to support court proceedings already under way (in Manitoba and British Columbia, for instance) or in preparation (in Nova Scotia, New Brunswick and Alberta). The Commissioner is pleased with this outcome and will continue to provide support when respect for and the advancement of minority language rights are at stake.

## OTHER ACTIONS BY THE OFFICE OF THE COMMISSIONER

The present Commissioner and her predecessor were in contact, either in person or through correspondence, with a variety of political and community figures in order to promote enhanced respect for the constitutional provisions and those of the *Official Languages Act*. Among the issues addressed were the following:

### *NOVA SCOTIA TEACHERS' UNION v. LE CONSEIL SCOLAIRE ACADIEN PROVINCIAL*

**Problem:** The Conseil scolaire acadien of Nova Scotia wished to negotiate in French with the union representing its employees. The union, however, insisted on negotiating in English.

**Principle:** The right of parents to exclusive management in the language of the minority includes the negotiation of collective agreements between the school board and the union representing its employees.

**Action:** The Commissioner made his point of view known and was satisfied with the decision by the arbitration board.

In October 1998, the Commissioner of Official Languages appeared as an expert witness at the arbitration board hearing on the dispute between the Nova Scotia Teachers' Union and the Conseil scolaire acadien provincial of Nova Scotia. The issue in dispute related to the language to be used in negotiations and in the collective agreement between the new school board and the union representing its employees. While the latter cited precedent for the use of English, the school board insisted on operating totally in French.

The Commissioner made it clear that the purpose of section 23 of the Charter is to give parents the right to educate their children in French if they so desire and that, in his opinion, the board must be entitled to operate wholly in French in order to preserve Francophone culture and French as the language of communication. Thus, negotiation of a collective agreement is part of the management of a school system.

The arbitration board felt that the evidence justified the use of French and of English but did not in any way require the exclusive use of one or the other. Consequently, it ruled that each party may use French or English at the negotiating table, with cost-shared interpretation services as required, and that the collective agreement will be printed in both official languages, with both versions having



official status. The Commissioner stressed the significance of this decision as the first to establish the right of French-language school boards to negotiate a collective agreement in French because of their particular mandate within provinces that are mainly English-speaking. There was no legislation governing language requirements for collective agreements.

## NEW BRUNSWICK'S *EDUCATION ACT* IN QUESTION

**Problem:** The 1997 *New Brunswick Education Act* abolished school boards and does not give parents of eligible students a real right of governance.

**Principle:** The exclusive right of governance of parents of eligible students is guaranteed by section 23 of the Charter.

**Action:** The Commissioner agreed to intervene in *Jean Giroux-Gagné et al. v. Province of New Brunswick* before the Court of Queen's Bench of New Brunswick and the Select Committee on Education.

In February 2000, the Commissioner was granted leave to intervene as *amicus curiae* in the case of *Jean-Giroux Gagné et al. v. Province of New Brunswick*. The plaintiffs had filed an application calling upon the Court of Queen's Bench of New Brunswick to declare invalid and inoperative the *New Brunswick Education Act* on the grounds that it contravenes section 23 of the Charter. In her application for intervenor status, the Commissioner indicated the arguments she will use at the hearing. These in large part reiterate the position of her predecessor as set out in his brief at the time this legislation was enacted in 1997.

According to the Commissioner, the present *Education Act* and the system it creates do not comply with section 23 of the Charter. The problem does not lie with the existing three-tier administrative structure (school advisory committees, district committees and provincial board), but rather with the fact that, on two of these levels, parent representation is only indirect, while on all levels parents or their representatives have no exclusive right of governance affecting the minority language and culture. It is the province's responsibility to put in place the most appropriate structure that respects the rights set out in section 23. As well, the Commissioner believes that the fact that the government treats the majority and the

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minority equally, through a dual structure in the Department of Education, does not necessarily mean that it is respecting the rights set out in section 23. The date for the hearing is not expected to be announced until the fall of 2000. The Commissioner considers this a significant case and hopes that the province will make a commitment to respect the principle of the official language minority's exclusive right of governance.

As well, the Commissioner has responded in writing to an invitation to take part in the public hearings of the Select Committee on Education in New Brunswick, which was extended on February 1, 2000. The purpose of these hearings is to collect public comments on the working paper *Let's Discuss Public Education Governance*. In her letter she reiterates the arguments given above and answers the questions asked in the working paper regarding the existing system of governance, the elements of a new structure, the characteristics of proper governance and the roles and responsibilities of the various players.

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Through her numerous interventions, the Commissioner wishes to emphasize the importance of section 23 rights. She therefore supports any initiative aimed at strengthening school governance and meeting the real needs of the linguistic minorities. Although there has been progress in implementing section 23, particularly as a result of legislative and regulatory measures, school governance by minority school boards and court decisions, there is still much to be accomplished. There are ongoing or newly initiated court proceedings in British Columbia, Manitoba, Ontario, New Brunswick, Alberta and Nova Scotia. At present, close to half of eligible pupils outside Quebec are still receiving their schooling in the school systems of the English-speaking majority. The Commissioner is joining forces with community and government stakeholders to attain the objective of section 23 before its 25th birthday is celebrated!

## CONCLUSION

The Constitution and the *Official Languages Act* give minorities collective rights which are remedial in nature. Whether in the areas of health, early childhood services, education, culture or any other area of government intervention, there is an obligation to ensure that the minority communities benefit from the same rights and the same access to resources as the majority communities.

The Commissioner believes that, with the many clarifications contributed by decisions of the Supreme Court of Canada in recent years, the scope of language rights is no longer in any doubt. It is high time to implement the necessary means to ensure the development of the minority communities. To that end, the federal government must forge strong partnerships with the communities themselves to ensure that their needs and priorities are respected. It must also work closely with the provincial governments in order to encourage them to support the linguistic minorities.

The purpose of the *Official Languages Act* is to implement the language rights guaranteed by the *Constitution Act, 1982*. In the Commissioner's view, the achievement of this objective involves not only the federal government, but also all of Canadian society and, in particular, the provincial and territorial governments. The Commissioner regrets that the minority communities must still, in the year 2000, resort to the courts to ensure respect for rights that the provinces are committed to implement under section 23. All levels of government must be encouraged to make Canada's linguistic duality one of their core values.

The Commissioner is therefore making full implementation of Part VII of the Act one of the key components of her mandate which she approaches with both vigilance and enthusiasm.





English  
Français

BILINGUALISM AND  
QUALITY OF  
GOVERNMENT SERVICES

## Chapter 4

**U**NDER THE *OFFICIAL LANGUAGES ACT*, THE GOVERNMENT OF CANADA IS COMMITTED TO PROVIDING CANADIANS WITH QUALITY SERVICES IN ENGLISH AND FRENCH. TO DO SO, IT MUST ENSURE THAT BILINGUAL CAPACITY IS ADEQUATE IN THE FEDERAL PUBLIC SERVICE. APPROXIMATELY A THIRD OF POSITIONS ARE DESIGNATED BILINGUAL IN ORDER TO PROVIDE SERVICE TO THE PUBLIC IN BOTH LANGUAGES AND ENABLE FEDERAL EMPLOYEES TO WORK IN THEIR LANGUAGE IN REGIONS THAT ARE DESIGNATED BILINGUAL. THE COMMISSIONER FINDS, HOWEVER, THAT THE DISTRIBUTION OF BILINGUAL STAFF DOES NOT CORRESPOND TO THE REQUIREMENTS IN OFFICES DESIGNATED BILINGUAL. IN ADDITION, A NUMBER OF AGENCIES OR UNITS FOR WHICH THE PUBLIC SERVICE IS NOT RESPONSIBLE BUT THAT ARE SUBJECT TO THE *OFFICIAL LANGUAGES ACT* DO NOT COMPLY WITH ITS PROVISIONS. DURING THIS YEAR, SIX ISSUES IN PARTICULAR ENGAGED THE COMMISSIONER'S ATTENTION, INCLUDING THE FOLLOW-UP ON ALL GOVERNMENT POINTS OF SERVICE.

**GOVERNMENT POINTS OF SERVICE.** THE OFFICE OF THE COMMISSIONER PURSUED ITS SYSTEMATIC FOLLOW-UP ON OFFICES DESIGNATED TO PROVIDE SERVICE IN BOTH OFFICIAL LANGUAGES ACROSS THE COUNTRY TO EVALUATE THE PROGRESS MADE SINCE ITS 1994 STUDY. GOVERNMENT TRANSFORMATIONS HAVE HAD THE EFFECT OF REDUCING THE NUMBER OF OFFICES DESIGNATED BILINGUAL.

**BEAULAC CASE.** THE SUPREME COURT OF CANADA HANDED DOWN ITS JUDGMENT IN THE BEAULAC CASE AND INTERPRETED THE SCOPE OF THE RIGHT OF AN ACCUSED TO HAVE A TRIAL IN HIS OR HER LANGUAGE UNDER SECTION 530 OF THE *CRIMINAL CODE*.

**Air transport.** Canada's air transport industry has seen major shakeups in the past year. The Commissioner took this opportunity to draw attention to the problems experienced by Canadians in obtaining adequate service in both official languages. She also attempted to obtain additional guarantees in this regard, specifically by stating her concerns in the context of the adoption of the transportation bill. Her efforts bore fruit since the bill clarified Air Canada's linguistic obligations.

**VIA Rail.** In view of the progress achieved to date, the court remedy proceedings against VIA Rail initiated in 1991 were withdrawn by the Commissioner.

**RCMP.** The Royal Canadian Mounted Police carried out a major administrative reorganization that gave rise to numerous complaints about failure to comply with the *Official Languages Act*. The Commissioner investigated several specific problems and cites here, by way of example, the case of Manitoba. (Other complaints against the RCMP are also cited in Chapter 6, section 6.8.)

**Sport.** Following the conclusions of the Parliamentary Sub-Committee on the Study of Sport in Canada, and at the request of two federal Members of Parliament, the Commissioner conducted a study on the equitable use of the official languages in sport in Canada.

## 4.1 ENGLISH / FRANÇAIS AT GOVERNMENT POINTS OF SERVICE?

Under the *Official Languages Act*, a number of federal offices are designated to provide services in both official languages. An exhaustive study of the application of this provision was carried out by the Office of the Commissioner in 1994 and, since 1996, follow-up studies have been conducted progressively, province by province. This year, the Northwest Territories, British Columbia, Quebec and Ontario were the subjects of follow-ups. Upon seeing the results, the Commissioner expressed dissatisfaction with the limited progress and the slippage in certain regions. On the whole, the situation remains quite unsatisfactory.

**Problem:** Numerous deficiencies with regard to service to the public in both official languages persist at government points of service designated bilingual.



**Principle:** The bilingual service criteria are clear: exterior signage, interior signs, documentation, forms, pictograms, greeting on the telephone and in person, adequate bilingual capacity.

**Action:** The Commissioner has made recommendations to the institutions concerned and has asked the Treasury Board Secretariat to be more vigorous in monitoring enforcement of the Act.

In the past year, the Commissioner of Official Languages has completed four follow-up reports dealing with the provision of service in both official languages by federal offices designated bilingual in the Northwest Territories, British Columbia, Quebec and Ontario. These provincial reports are the last four in the series of follow-ups on the exhaustive study carried out in 1994, which showed that the provision of service in both official languages left much to be desired. Table 1 (see p. 60) shows the comparative results for 1994 and 1999 for all the regions of Canada. The specific results for the four regions audited this year show that there has been very little improvement since our initial study which revealed many deficiencies. These results are discussed below.

## SIGNAGE AND DOCUMENTATION

In all four regions, the physical elements required for the provision of service in both official languages, such as signs, notices, documentation and forms, are generally available in both official languages. We also noted the increased presence, in offices designated bilingual, of the pictogram to inform members of the public of the availability of service in both official languages. Considering the ease with which a pictogram can be displayed, it might be expected that all federal offices designated bilingual would have one.

## BILINGUAL RECEPTION ON THE TELEPHONE AND IN PERSON

Employees must greet members of the public who telephone or visit a federal office designated bilingual in both official languages to indicate that service is available in English and in French. The follow-up reports show a slight improvement with regard to this practice, both on the telephone and in person, except in designated offices in the Northwest Territories, where members of the public are greeted in English only. The lack of a greeting in both official languages on the telephone and in person can only discourage clients from exercising their language rights. This practice reduces the volume of demand for service in the minority official language in every province and territory.

## SERVICES ON THE TELEPHONE AND IN PERSON

Services in person in the two official languages have improved in each of the regions visited. However, services in the two languages on the telephone have slipped significantly in the Northwest Territories and British Columbia, while they have improved in Quebec and Ontario.

## DISTURBING RESULTS IN THE NORTHWEST TERRITORIES AND NUNAVUT

The physical elements required to provide bilingual service are generally in place in the Northwest Territories and Nunavut. Signs, notices and documentation are available in both official languages, and nearly seven out of 10 offices display the pictogram indicating that they provide service in English and in French. Reception on the telephone in the two official languages has shown a slight improvement, but designated offices greet members of the public who visit them in English only. The overall bilingual capacity of the designated offices is unchanged. Service in person in both official languages has improved only very slightly, while service on the telephone has suffered significant slippage. The fact that federal institutions use receptionists' services less and less to handle telephone communications no doubt has something to do with this fact.

## SITUATION STILL UNSATISFACTORY IN BRITISH COLUMBIA

The managers of federal offices designated bilingual in British Columbia seem to experience problems in managing the physical elements required to provide service in both official languages. We found deficiencies with regard to bilingual signage and the availability of documentation and forms in both official languages. One-quarter of the designated offices still do not display the pictogram to indicate that they provide service in English and in French. Moreover, it is still difficult to obtain service in French on the telephone, and such service has even deteriorated since 1994. However, the situation with regard to service in person has improved significantly. There has been progress in terms of the overall capacity of offices to provide bilingual service. Reception in both official languages on the telephone and in person has also improved, but still not enough on the whole.

## SITUATION VERY GOOD, IN GENERAL, IN QUEBEC

In federal offices designated bilingual in Quebec, signs, notices, documentation and forms are generally present in both official languages. A little over 80 percent of offices display the pictogram to indicate that they provide service in English and in French. Service on the telephone is available in both official languages in nearly all the offices designated bilingual, while service in person is available in all of them. The high bilingual capacity of nearly all the designated offices is the explanation for

this very good performance. However, bilingual reception on the telephone has shown little progress since 1994, and bilingual reception in person is stagnant at under 20 percent.

## DESPITE SOME PROGRESS, PROBLEMS PERSIST IN ONTARIO

Signs, notices and documentation are generally in both official languages in offices designated to provide bilingual services in Ontario. We also found that 80 percent of the offices display the pictogram to indicate that they provide service in English and in French. However, there is bilingual reception on the telephone in a little over 50 percent of cases, while bilingual reception in person has improved only slightly and is provided a little over two times out of 10. As in a number of other regions, we found that bilingual service on the telephone is less available than in 1994, while bilingual service in person has improved considerably. The managers of offices designated bilingual are no doubt making more judicious use of their resources, because we found that the bilingual capacity of the offices has not increased a great deal.

## OVERALL NATIONAL PICTURE

These four reports conclude the series of follow-ups undertaken in 1996. In its 3 reports, the Office of the Commissioner has made 1,368 specific recommendations on the deficiencies found. In addition, the Treasury Board Secretariat was alerted in 1998 to the findings of the studies, especially to persistent, systemic problems. The Commissioner will submit a new comprehensive summary report which will emphasize the key role of managers in the organization in assigning bilingual resources to strategic positions and in increasing employees' awareness regarding service to the public.

The Commissioner will continue to monitor the progress made in fulfilling commitments to rectify the deficiencies noted. She will intensify her contacts with senior officials. Finally, she will ask the Treasury Board Secretariat to play to the full its role in monitoring the application of official languages policies and principles in federal institutions. She believes that it has not shown sufficient leadership in this regard.

## 2 THE BEAULAC CASE: A BROAD AND LIBERAL INTERPRETATION OF LANGUAGE RIGHTS

The Supreme Court of Canada handed down its judgment in the case of *Beaulac v. The Queen (British Columbia)*, which involved the interpretation of language rights in criminal cases. The decision went in favour of the arguments made by the Commissioner at the hearing before the Supreme Court.



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**Problem:** A Canadian citizen was not tried by a judge and jury who spoke both official languages, although he had so requested.

**Principle:** The language provisions of the *Criminal Code of Canada* must be interpreted in a broad and liberal manner, having regard to their purpose.

**Action:** The Commissioner intervened in this case. He advanced his interpretation of the language rights of the accused as set out in section 530 of the *Criminal Code*, and the Supreme Court, in large part, accepted his interpretation.

The accused, Mr. Beaulac, had appealed his case to the Supreme Court, on the grounds that his right to a trial before a judge and jury that spoke both official languages had been denied him because he understood English sufficiently. In this case, the Commissioner contended that the language provisions of the *Criminal Code* should be interpreted broadly and liberally, having regard to their purpose, the objective of the equality of the two official languages, and the development of language rights in Canada. Specifically, with regard to the language right in question in this case, the Commissioner stated that, in his opinion, "the official language of the accused" should not be restricted to the accused's mother tongue or usual language but should rather be, at the choice of the accused, either the official mother tongue or the other official language. This choice had nothing to do with the fact that the accused understood another language or might be more comfortable in one or the other of the official languages; otherwise bilingual persons would no longer be able to avail themselves of their language rights.

The Supreme Court ruled in favour of the accused and ordered a new trial before a judge and jury that could speak both official languages. The Court, in large part, accepted the Commissioner's arguments and stated that language rights "must in all cases be interpreted purposively, in a manner consistent with the preservation and development of the official language communities in Canada." The Court specifically stated that the purpose of section 530 of the *Criminal Code* is to give equal access to the courts to accused who speak one of the official languages in order to help the official language minorities preserve their identity. Applying subsection 530(4) of the *Criminal Code*, the Court then ruled that the "official language of the accused" is "either official language to which that person has a sufficient connection," meaning that it is not necessarily the accused's dominant language.

The Commissioner greeted this decision with satisfaction. It provides a new framework for the interpretation of language rights. It recognizes not only the language rights of accused persons, but also those of official language minorities, because the judgment states that their rights "can only be enjoyed if the means are provided." The judgment also states that the objective of all language rights is indeed the vitality of the official language minority communities and clearly outlines the policy direction that governments should adopt.

### 4.3 AIR TRANSPORT: CHANGE IN THE AIR!

While Canada's air transport industry was undergoing massive transformation, the Commissioner took vigorous action to successfully resolve complaints concerning Air Canada outstanding for a number of years. In February 2000, a bill to amend the *Canada Transportation Act* (C-26) tabled in the House of Commons addressed the Commissioner's essential demands.

**Problem:** Many complaints against Air Canada and its regional carriers, which were the subject of recommendations by the Office of the Commissioner, had remained unaddressed.

**Principle:** As a body subject to the *Official Languages Act* (the Act), Air Canada must be compelled to meet its obligations.

**Action:** The Commissioner intervened to ensure that the new *Canada Transportation Act* would clarify the bearing of the Act on this industry.

### CANADA TRANSPORTATION BILL (C-26)

Last year saw the restructuring of the air transport industry. This prompted the Government of Canada to review the legislation concerning this industry.

Concerned about the risks this restructuring entailed for the Canadian public, the Commissioner was the first to emphasize the importance of protecting the public's right to be served in either official language by air carriers. She intervened

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with Air Canada, the Minister of Transport, the minority communities, the Standing Committee on Transportation and other parties. Even after the tabling of Bill C-26, the Commissioner intervened with the Minister of Transport to have the linguistic obligations that apply to Air Canada's subsidiaries clarified.

Bill C-26 amends several statutes relating to air transport, such as the *Air Canada Public Participation Act*, and clarifies the scope of linguistic obligations in this industry. It states that the Act applies to Air Canada and adds a number of provisions specifying the linguistic obligations that apply to the corporation's subsidiaries. It provides that Air Canada must ensure that subsidiaries of which it owns 50 percent or more of the shares must comply with Part IV of the Act with respect to "air services, including incidental services." Parts VIII, IX and X of the Act concerning investigations and court remedy will also apply in this context.

In reading the bill, the Commissioner noted that the expression "air services" clearly covered the in-flight services provided by Air Canada's subsidiaries. She noticed, however, that the concept of "incidental services" was not defined in the bill and proposed that the Department of Transport clarify this concept. Accordingly, "incidental services" provided by Air Canada's subsidiaries were subsequently defined to include: a) ticketing and reservation services; b) information about fares and routes, including notices and announcements, that subsidiaries publish or cause to be published to inform their customers; c) services that subsidiaries provide to their customers at airports, such as the control of passengers boarding and disembarking aircraft, announcements made to customers and counter services; d) services related to baggage or freight claims and client relations.

In the past, Air Canada's poor performance in French has caused a great deal of dissatisfaction. Having received some 900 complaints in the past five years, the Office of the Commissioner had to initiate four court remedy proceedings. The first two date back to 1996 and concern the corporation's ground services at Halifax International Airport and Lester B. Pearson International Airport in Toronto. The third is an application for reference filed in the Federal Court in 1997 to determine whether the Act or part of it applies to Air Canada's subsidiaries (Air Nova, Air Ontario, Air BC). The fourth remedy application was also filed in 1997, along with the reference, and deals more specifically with the in-flight services provided by the regional carrier Air Ontario. This remedy was, however, suspended from the outset, pending the Court's decision on the reference as to whether the Act applies to the regional carriers.

More recently, in view of Bill C-26, the Commissioner obtained a suspension of the other three remedy proceedings until June 30, 2000, to allow for analysis of the impact of the amendments that the bill will make.



## COMPLAINTS FIND A HOME

Still in the air transport sector, the Office of the Commissioner reached an agreement with Transport Canada whereby the two institutions will co-operate in resolving complaints about safety briefings aboard aircraft.

This subject has given rise to a number of complaints in the past, and the agreement should result in more effective handling of them. The Commissioner, as an ombudsman, receives the complaints and reports on the actions taken on them. For its part, Transport Canada is responsible for the development and implementation of regulations and conducts its own investigation of complaints brought to its attention by the Office of the Commissioner.

The Commissioner is pleased with this partnership and expects that a second agreement will soon be reached with the same department on pre-boarding security screenings.

## 4.4 VIA RAIL ON THE RIGHT TRACK

**VIA Rail has been the subject of numerous complaints in the past and, in 1991, court remedy proceedings against it were taken by the Office of the Commissioner. The progress noted this year convinced the Commissioner to withdraw these legal proceedings.**

**Problem:** The complaints that have been the subject of the Office of the Commissioner's court remedy application since 1991 are not reflected in the current situation.

**Principle:** What is vital is that VIA Rail's services be provided in compliance with the corporation's linguistic obligations.

**Action:** The Commissioner withdrew her court remedy application in the Federal Court following an agreement with VIA Rail.

A third follow-up, conducted at the end of 1998, on the availability of service in French aboard VIA Rail trains operating in the Montreal-Ottawa-Toronto triangle, showed improvement in the provision of service in both official languages on this route. The reduction in complaints was also revealing in this regard.

Since the court remedy action against VIA Rail was taken in 1991, a series of measures has helped to rectify the deficiencies with respect to the *Official Languages Act*. For example, VIA Rail has made major changes to its operations by creating a new bilingual position of service manager and by designating a certain number of bilingual positions on its routes. In view of the changes in the situation and the impact of the measures taken by VIA Rail, the Commissioner decided to withdraw her legal proceedings and issued a notice of discontinuance to the Federal Court.

The Office of the Commissioner will, however, continue to monitor the implementation of VIA Rail's commitments to the improvement of its French-language services aboard trains operating in this triangle.

#### 4.5 IN THE SADDLE WITH THE ROYAL CANADIAN MOUNTED POLICE

**Since 1994, the Royal Canadian Mounted Police (RCMP) has carried out a restructuring marked by amalgamations and reductions of detachments, a reorganization of divisions and the increased use of patrol cars as "offices." These changes have been prejudicial to the equity of client service in both official languages, particularly in Manitoba and New Brunswick, where the Commissioner conducted an investigation.**

- Problem:** The restructuring of RCMP services gave rise to complaints from French-speaking members of the public who see in this a reduction of services in their language.
- Principle:** Although there have been major reorganizations, the RCMP must continue to meet the requirements of the Act.
- Action:** The Commissioner obtained a suspension of the proposed changes and the implementation of a process of consultation with the community in Manitoba.

After receiving a number of complaints against the RCMP, the Commissioner conducted a special study in the Red River corridor in Manitoba. The investigation report published in July 1999 validated the complaints that the major changes in

the detachment's organization contravened the *Official Languages Act* with respect to communications with the public (Part IV) and support for the development of minority communities (Part VII). The Commissioner made recommendations on a suspension of the changes under way, a review of the bilingual capacity of RCMP units in Manitoba and consultation with the Franco-Manitoban community.

The RCMP agreed to implement these recommendations. A committee of federal, provincial and community representatives was created. Representatives of the Office of the Commissioner sit on this committee as observers. A task force is responsible for recommending solutions to meet the community's needs more effectively. Unfortunately, the Commissioner finds that this committee is having difficulty making progress. One problem stems from the fact that the requirements of the Act and Manitoba's French-language services policy are not in agreement.

A court remedy application filed by the Association des juristes d'expression française du Manitoba was suspended at the applicant's request to allow the consultation to lead to concrete solutions. The Commissioner is continuing to promote a rapprochement between the RCMP and the Franco-Manitoban community so that the task force might regain its footing and speedily propose lasting and acceptable solutions to this situation.

## 6.6 SPORT: FAIR PLAY IN BOTH LANGUAGES?

**In 1999, the Commissioner began work on a study on the use of the two official languages in high-performance sport. Its purpose is to determine whether training organizations that receive public funding allow athletes to pursue training using their preferred official language.**

**Problem:** A concern that French-speaking athletes do not receive support equivalent to that given to Anglophones from associations that receive public funding.

**Principle:** Athletes of both language groups must be able to fully develop their talents under Canada's sport system.

**Action:** The Commissioner conducted a study on the use of the two official languages in high-performance sport.



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The conclusions of the Sub-Committee on the Study of Sport in Canada, as well as requests from Members of Parliament resulting from hearings of the sub-committee, prompted the Commissioner to conduct this study. It seemed to some that French-speaking athletes were victims of discrimination in terms of the services provided to them and their opportunities to be selected for national teams.

The investigation, begun in September 1999, involved a thorough study of the parliamentary, government, media and association documents relating to sport. In addition to conducting interviews with government representatives, researchers and sports association representatives, the Office of the Commissioner mailed a survey to a sample of English-speaking and French-speaking athletes in Canada to determine their attitudes, values and experience in sport. Finally, on-site visits were made to a number of Canadian cities.

The preliminary results reveal the complexity of Canada's sport system: some 100 national bodies, including Sport Canada; some 30 multi-sport associations; some 60 national sport associations; and the provincial and territorial governments. While it is true that the federal government must ensure compliance with the *Official Languages Act*, its intervention seems increasingly limited. The Commissioner nevertheless believes that the sport environment is conducive to promoting positive and equitable relations between the two language communities in Canada. The next annual report will contain the complete results of this study.

On a positive note, the Commissioner was pleased with the performance, in terms of bilingualism, of the organizers of the XIII Pan-American Games, which were held in Manitoba in 1999. The linguistic review prepared by the Commissioner's Winnipeg office notes that 2,800 of the 18,000 volunteers at the Games were bilingual.

## CONCLUSION

While the *Official Languages Act* sets out the federal government's commitment to provide quality service in both official languages in Canada, there are still many inefficiencies at government points of service, mainly with respect to French-language services. Yet the Supreme Court judgment in the Beaulac case reiterated, among other things, the scope of Canadians' right to receive government services in their language.

On the other hand, there is progress worth noting, such as the amendments to the *Canada Transportation Act*, which should compel Air Canada and its regional carriers to comply with the *Official Languages Act*. Via Rail has made long-awaited changes to its client service in both official languages. The Department of Transport has reached an agreement with the Office of the Commissioner to co-operate on investigations of complaints of a linguistic nature involving airports.

The Commissioner's investigations in other sectors, such as high-performance sport and RCMP services, indicate that much still remains to be done.

**Table 1 Comparative results of the 1994 study and the 1998-1999 follow-up in offices designated to provide service in both official languages**

	Northwest Territories		Yukon		British Columbia		Alberta		Saskatchewan		Manitoba		Ontario**		NCR*		Quebec**		New Brunswick		Nova Scotia		Prince Edward Island		Newfoundland	
ELEMENT	Study %	Followup 1999 %	Study %	Followup 1996 %	Study %	Followup 1998 %	Study %	Followup 1997 %	Study %	Followup 1997 %	Study %	Followup 1996 %	Study %	Followup 1999 %	Study %	Followup 97/98 %	Study %	Followup 1999 %	Study %	Followup 1997 %	Study %	Followup 1998 %	Study %	Followup 1996 %	Study %	Followup 1996 %
Exterior signage	100	93	85	56	94	92	96	90	91	100	96	100	94	100	94	92	98	100	99	98	93	98	94	80	100	94
Interior signage	89	85	85	77	61	75	88	90	81	88	81	96	83	90	73	97	94	94	93	92	92	93	80	70	80	100
Documentation		100	75	67	73	61	91	84	73	76	87	90	88	92	100	100	98	100	91	83	96	84	79	55	100	100
Forms	50		100	86	88	80	92	94	70	74	96	85	95	100	100	100	99	100	100	90	97	100	89	80	100	100
Pictogram		69	46	61	55	75	53	79	57	88	74	84	50	80	51	80	68	82	71	82	72	86	58	80	100	100
Bilingual greeting on the telephone	50	55	47	62	44	50	52	50	52	53	57	50	51	52	81	81	45	59	62	62	43	67	49	65	41	59
Bilingual greeting in person	17	0	14	12	4	19	8	12	18	24	43	39	12	22	56	41	16	18	19	16	8	11	36	6	0	7
Service on the telephone	100	57	91	66	90	64	84	62	60	67	76	56	70	68	92	97	96	96	84	77	78	73	69	65	70	47
Service in person	64	69	42	61	73	89	63	66	45	61	76	78	69	76	78	92	99	100	85	78	73	72	72	90	42	56
Bilingual capacity	50	50	37	48	62	80	75	60	59	38	71	63	64	66	74	92	98	92	81	77	77	60	62	72	74	50

\* National Capital Region

\*\* Outside the National Capital Region







# THE NEW INFORMATION AND COMMUNICATION TECHNOLOGIES

1999-2000

## Chapter 5

**T**HE NEW INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) HAVE A PROFOUND IMPACT ON SERVICE DELIVERY BY THE FEDERAL GOVERNMENT, ON THE DEVELOPMENT OF THE KNOWLEDGE ECONOMY, ON COMMUNICATIONS, IN SHORT, ON CANADIAN SOCIETY AS A WHOLE. FAR FROM BEING NEUTRAL, THESE TECHNOLOGIES INVOLVE LANGUAGE, AND THE FRAGILE BALANCE OF LINGUISTIC DUALITY IS NOT SPARED THEIR EFFECT. THIS UBIQUITOUS TREND HAS LED THE COMMISSIONER TO MAKE ICT A TOP PRIORITY. THE COMMISSIONER HAS FOCUSED HER EFFORTS ON THREE ELEMENTS OF THIS PHENOMENON.

**INTERNET.** A VAST SPACE FOR THE EXCHANGE OF INFORMATION AND TRADE, THE INTERNET OFFERS 80 PERCENT OF ITS CONTENT IN ENGLISH WORLDWIDE. IS IT A TROJAN HORSE THAT POSES A THREAT TO CANADA'S LINGUISTIC DUALITY, OR CAN IT BE USED AS A WINDOW ON THE WORLD? THE COMMISSIONER HAS TAKEN MEASURES TO ENSURE GOVERNMENT ACTION IN THIS REGARD.

**FRENCH-LANGUAGE TELEVISION BROADCASTING.** IN RESPONSE TO THE PROFUSION OF COMMUNICATIONS NETWORKS AVAILABLE, TELEVISION BROADCASTERS MUST ADJUST THEIR TARGET MARKETS. SOMETIMES, THOUGH, AS THE COMMISSIONER POINTS OUT, LINGUISTIC DUALITY PAYS THE PRICE.



**Digital technologies.** ICTs increase the dissemination of cultural content. New media, such as the digital video disc (DVD), are now available to bring this content to consumers. But vigilance is required if French is not to be left behind.

## 5.1 THE INTERNET: A WINDOW ON CANADA'S LINGUISTIC DUALITY OR A TROJAN HORSE?

**The Internet is linking ever more Canadians to each other and is transforming Canadian society and the government of Canada at a rapid pace. These transformations must reflect the equality of status of English and French stipulated in the *Canadian Charter of Rights and Freedoms* and must be consistent with the development of the official language minority communities as set out in Part VII of the *Official Languages Act*. The major challenge for Canada's Francophones today, as for the international Francophonie, is to make the Internet, such a powerful tool for communication and cultural economic development, their own.**

The 1999 Speech from the Throne stated that Canada would be the first G7 country to offer all its services to the public on-line, by the year 2004. The Commissioner accordingly believes that we must redouble our efforts to ensure the full implementation of the *Official Languages Act*. Linguistic duality must be real and alive, in the virtual universe as well. She has therefore drawn attention in several forums to the need to increase the critical mass of French-language content on the Internet and to the government of Canada's key contribution in this regard.

In particular, the Commissioner gave a speech to the Cercle canadien of Toronto in which she outlined the Internet's growing impact on the rapid changes in Canada's economy and culture. This speech was an appeal to the government of Canada to play a more active role in promoting the use of French on the Internet. This role is crucial to ensure that the Internet is a tool to promote the French language and culture in Canada and around the world, rather than a new Trojan Horse.

The Commissioner also noted that French-language content on the Internet is increasingly becoming a key area of co-operation and co-ordination among the governments of Canada, Quebec and New Brunswick.

In particular, two aspects of Internet use have been the subject of studies and recommendations to the government of Canada this year, namely, the use of the Internet by government institutions and the place of French on the Internet.

## USE OF THE INTERNET BY THE FEDERAL GOVERNMENT

- Problem:** The widespread use of the Internet in government services has been detrimental to the adequate use of French.
- Principle:** The government must comply with the Act by adopting and implementing standardized communication policies that include the Internet.
- Action:** The Commissioner conducted a follow-up study and made recommendations to the Treasury Board Secretariat.

In opting for the widespread use of the Internet, the federal government considerably expanded its field of communication and opened up the risk that the services it offers might not be of equal quality in both official languages. The Office of the Commissioner accordingly identified, in a 1996 study, numerous technical problems faced by Francophones wishing to use government services over the Internet. To measure the progress made and the persistent problems in this regard, the Commissioner conducted a follow-up study in 1999.

This report, *Use of the Internet by Federal Institutions*, happily reveals that these technical problems have in large measure been resolved, thanks in particular to the technical solutions the Commissioner offered in his report. Above all, the study shows that, with respect to official languages, the Internet is now a means of communication unto itself. The nature of the complaints received by the Commissioner with respect to the Internet also confirms this, as they pertain to the unequal status of English and French, the poor quality of the French-language content and the failure to provide information simultaneously in both official languages.

The technical problem is that government Internet addresses do not comply with the *Official Languages Act*. Moreover, some of the translated information posted on government Internet sites is of inferior quality. Finally, government employees do not always receive an active offer of computer software in the official language of their choice, information about Internet policies is not always provided to them, and help, support and technical training services are not always of equivalent quality in both official languages.

The Commissioner brought these matters to the attention of the Treasury Board Secretariat and of federal institutions. The Treasury Board Secretariat acknowledged the problem and undertook a study in this regard as part of its "common look and

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feel standards" project. The Commissioner will follow up on the other recommendations during the coming year in the context of her general observations on government communication with the public.

### FRENCH ON THE INTERNET

- Problem:** The predominant use of English on the Internet is detrimental to Canada's linguistic duality.
- Principle:** The government should create an integrated support plan for the development of tools, content and access to the Internet in French, in keeping with Part VII of the Act.
- Action:** The Commissioner published a special study on this subject and received concrete commitments from the government in response to her recommendations.

#### LANGUAGES USED ON THE INTERNET

*French accounts for less than 3 percent of all content on the Internet. Over 80 percent of all content is in English, although only 10 percent of the world's population speaks that language.*

UNDP, Report on Human Development 1999

In view of the undeniable predominance of English on the Internet, there is a need to ensure that French has an equitable place in order to strengthen Canada's linguistic duality. The Commissioner therefore asked the government of Canada to reiterate linguistic duality as one of the guiding principles in the development of the information highway in Canada. A coherent strategy is required, and specific investments must be made for this purpose.

To guide the government in this process, the Commissioner published a study entitled *The Government of Canada and French on the Internet*. As the Commissioner noted when she presented this study at the Initi@tives 99 symposium in Edmundston, the study is intended as an urgent appeal for immediate and more targeted action by the government of Canada to increase French-language content on the Internet. Quoting the researcher Michel Cartier, the Commissioner stressed that "The information highway leads us here and there, but without content, it leads us only there."

The study was based on a review of current government actions and practices, interviews and focus groups. A total of about 40 federal institutions and Internet specialists were consulted. The recommendations made in the study are intended to encourage the government to reaffirm linguistic duality and provide an international showcase for it. To achieve this, greater investment in the translation and digitization of documents and in content



production will be required; portals should be created and advertised to highlight French-language resources, be they from the government, non-governmental sources or the private sector, and access to language tools and government databases should be enhanced.

At the Commissioner's request, the government responded promptly to these recommendations and made a commitment to develop a coherent action plan with time frames, monitoring mechanisms and regular progress reports on the efforts to increase French-language content and services on the Internet.

This response is highly encouraging and shows the government of Canada's commitment to increasing French-language content and services on the Internet, in accordance with Part VII of the *Official Languages Act*. The Committee of Deputy Ministers Responsible for Official Languages and the sub-committee on information management will monitor this government commitment.

In view of her concerns about the government response on this matter, the Commissioner is delighted that the Committee of Deputy Ministers has already elected the Internet as one of its four strategic priorities for the current year. Moreover, the government made a commitment in its last budget to invest over \$75 million in the digitization of federal collections of heritage interest. The Minister of Canadian Heritage has indicated that half of that amount will be allocated to French-language collections. This will remain an urgent monitoring priority for the Commissioner over the coming year.

## 2 TELEVISION PROGRAMMING IN BOTH OFFICIAL LANGUAGES

**Paradoxically, the proliferation of digital modes of dissemination and of television services tends to reduce the proportion offered to French-speaking clients. The Commissioner reiterates that linguistic duality must be strengthened in this context and, for this reason, she supports an expansion of the French-language services available to Canada's French-speaking communities.**

**Problem:** Through new technologies, the television programming available internationally is increasing, to the detriment of services offered in French.

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**Principle:** The CRTC should promote the development of French-speaking minorities by expanding the definition of a bilingual market and guaranteeing adequate blocks of television services in both official languages.

**Action:** The Commissioner intervened with the CRTC in its review of the definition of bilingual markets, advocating mandatory TVA service and distribution of TFO in Quebec. She is also investigating the availability of the Canadian Parliamentary Affairs Channel (CPAC) in both official languages.

## THE COMMISSIONER'S APPEARANCE BEFORE THE CRTC

Commissioner Goldbloom responded to the Canadian Radio-Television and Telecommunications Commission's (CRTC) call for submissions regarding the rules of access to specialized services and pay television in bilingual markets. He stressed the importance of redefining the concept of a bilingual market, which designates regions where cable broadcasters are required by the CRTC to offer television services in both official languages.

### NATIVE SPEAKERS OF FRENCH VERSUS SPEAKERS OF FRENCH IN CANADA

*Native speakers of French*

6,979 715

*Speakers of French*

8,920 390

Statistics Canada, 1996 Census

The Commissioner proposed that the number or percentage of speakers of French, as opposed to native speakers of French, be used to determine the entire pool of potential consumers of French-language television services. With the rapid growth in bilingualism, using the number of speakers would provide a basis for offering more adequate services. Statistics Canada censuses provide data on the number of speakers of French.

The Commissioner also drew the CRTC's attention to the fact that the greater number of channels offered significantly reduces the proportion of French-language services. He accordingly recommended that the CRTC prescribe an adequate block of services in both official languages in bilingual markets. This would require cable broadcasters to study the specific demands of minority communities by consulting the associations that represent them.

The CRTC considered these recommendations and tabled for comments a proposed television distribution policy for bilingual markets that is innovative in two aspects. First of all, it is based on the number of people in the cable broadcaster's service area with a knowledge of both official languages, rather than the number of those whose first language is French. Second, it suggests that at least one of the 10 new specialized digital networks to be offered to Canadians be in the French language. The Commissioner is very pleased to see these steps in the right direction.

The government of Canada has also asked the CRTC to table, no later than December 31, 2000, a report on the French-language television services offered outside Quebec. In the course of this exercise, the Commissioner will reiterate the need to increase French-language television services outside Quebec, in the interest of development of the official language communities.

## TFO, TVA ...

In October 1999, TVOntario (TVO) submitted to the CRTC an application for mandatory carriage of its educational French-language television programming service (TFO) in Quebec, as part of a discretionary analog service. The Commissioner wrote to the CRTC in support of TVO's application. The CRTC nevertheless refused the application, arguing that an additional pay-TV educational channel would have unduly taxed television viewers in Quebec, who already pay for and receive the Télé-Québec educational service.

The Commissioner also wrote a letter in support of the French-language TVA network's application to become a national network for mandatory carriage throughout the country. She therefore welcomed the CRTC's decision in 1999 to award TVA that status. The Commissioner remains vigilant with respect to TVA's commitments to Canada's French-speaking communities, as they have not yet been fulfilled.

## THE HOUSE OF COMMONS ON TELEVISION

Some Canadians have complained that they do not have access to the proceedings of Canada's House of Commons in their preferred official language. The debates and proceedings of the House of Commons are broadcast live on the Canadian Parliamentary Affairs Channel (CPAC), using one video signal and three audio signals (one in English, one in French and another, live, in the language used by the speaker). CPAC distributes these signals via satellite to cable broadcasters throughout Canada.

The cable broadcasters, for their part, often broadcast only one of these three audio versions, thereby depriving many Canadians of this tool, which is a symbol of a healthy democracy. These complaints raise an important problem, and an investigation is under way to determine whether the House of Commons is required to ensure that its debates are televised in both official languages. The results are expected in the coming year.



### 5.3 DVDS: WHAT ABOUT THE FRENCH-LANGUAGE VERSION?

The convergence of all means of communication into digital format will facilitate the advent of a world based on instant and global interaction. Together with the globalization of the economy and of entertainment, which favours English, this trend will continue to threaten the fragile balance of Canada's linguistic duality. The recent example of film distribution on digital video disc (DVD) illustrates the danger we face.

- Problem:** The new DVD medium is gaining in popularity, but the films are sometimes not available in French.
- Principle:** Canada should take action to ensure that cultural products offered in the Canadian market include a French-language version whenever possible.
- Action:** At the Commissioner's request, the Minister of Canadian Heritage intervened with the major distributors of films on DVD, and they have agreed to offer the French-language versions.

DVDs are increasingly common in the distribution of films in North America. The DVD technology promises to offer several versions of films (English, French, Spanish, etc.). The Commissioner has responded to complaints about the lack of French-language versions of the DVDs distributed in Canada. The investigation conducted by the Office of the Commissioner showed in fact that some studios, such as Columbia/Tristan, Miramax and Dreamworks, decided to drop the French-language version of DVDs offered in the North American market.

The Commissioner referred this constraint on the principle of Canadian linguistic duality to the Minister of Canadian Heritage. This is an important issue, since DVD films are increasingly popular and are gradually replacing traditional videotapes. At present, four of the six titles with the highest sales in Canada are not available in French. This lack of availability of a French-language version is detrimental to the influence of the French language in Canada. The Commissioner has therefore requested that the government of Canada intervene vigorously with the studios in question to correct this situation.

The Commissioner is pleased that the studios have promptly agreed to once again offer the French version of DVDs distributed in Canada and Quebec. Vigilance is clearly essential to ensure that the growing use of new technologies in Canadian society is not detrimental to our country's linguistic duality.

## CONCLUSION

The advent of the Internet and of new information and communication technologies is changing the world of television and film, of information and of the entertainment industry. The Commissioner notes that, in spite of their positive effects, these new tools can jeopardize the vitality of Canada's linguistic duality.

This is why the Internet has become one of the key issues being monitored closely by the Office of the Commissioner. Some studies and investigations have been completed this year, but increased vigilance on the part of the Commissioner is to be expected in coming years. Moreover, the Commissioner expects to take full advantage of these new media to promote Canada's official languages.





THE CONCERNS  
OF CANADIANS

1997-2000

## Chapter 6

ONE OF THE ROLES OF THE COMMISSIONER IS TO RESPOND TO COMPLAINTS AND INFORMATION REQUESTS FROM CANADIANS REGARDING THE *OFFICIAL LANGUAGES ACT*. THIS CONTACT IS ESSENTIAL IN ORDER TO DEAL WITH THOSE FEDERAL INSTITUTIONS THAT DO NOT RESPECT THEIR OBLIGATIONS WITH REGARD TO CANADA'S LINGUISTIC DUALITY. ACCOUNTS FROM CANADIANS EXPRESSING THESE CONCERNS ALSO SERVE AS A BAROMETER TO ASSESS DEVELOPMENTS WITH RESPECT TO THE MAJOR ISSUES BEING MONITORED BY THE OFFICE OF THE COMMISSIONER.

THIS CHAPTER PROVIDES A STATISTICAL PROFILE OF THE CONCERNS EXPRESSED BY CANADIANS TO THE COMMISSIONER AND OUTLINES SIGNIFICANT TRENDS. WE HAVE ALSO CHOSEN SEVEN RECURRING THEMES WHICH ILLUSTRATE THE PROBLEMS THAT BESET CANADIANS WHO ARE CONCERNED ABOUT THEIR LANGUAGE RIGHTS. EACH THEME IS ILLUSTRATED BY REVEALING EXAMPLES.

**PROFILE OF COMPLAINTS.** THE OFFICE OF THE COMMISSIONER WAS CONTACTED SOME 3,000 TIMES – INCLUDING 1,800 COMPLAINTS. MANY OF THESE COMPLAINTS ARE CURRENTLY UNDER INVESTIGATION. AS WELL, LETTERS TO THE EDITOR IN NEWSPAPERS ARE READ AND INTERPRETED BY THE COMMISSIONER AS A REFLECTION OF THE CONCERNS OF CANADIANS.

**LINGUISTIC MINORITY COMMUNITY PRESS.** WHILE THE FEDERAL GOVERNMENT IS REQUIRED TO INFORM ALL MEMBERS OF THE PUBLIC THROUGH THE USE OF LINGUISTIC MINORITY COMMUNITY MEDIA, IT OFTEN CONTRAVENES THIS OBLIGATION.

## ANNUAL REPORT

**Service to the public.** There must be no exceptions in the application of the *Official Languages Act*. A number of federal institutions that claim mitigating circumstances as an excuse have been reminded of this fact by the Commissioner.

**Third-party services.** Federal institutions must ensure that third parties contracted to provide services respect the language rights of their clients.

**Addressing standards.** Some government services seem to forget that addressing may be done in English or in French.

**Language of work.** Are federal government employees able to work in their preferred official language in prescribed regions, as stipulated in the Act?

**Equitable participation.** Despite significant improvements, there are still problems with regard to the participation of members of both official language communities in the federal public service.

**Language requirements.** A number of complaints concern the language requirements of certain positions.

### 6.1 PROFILE OF COMPLAINTS RECEIVED BY THE OFFICE OF THE COMMISSIONER

Each year, Canadians who are concerned about their rights under the terms of the *Official Languages Act* contact the Commissioner. A significant number of these communications are considered complaints, and if they are deemed admissible, investigators from the Office of the Commissioner begin an investigation. The parties involved are contacted for the purpose of collecting the information and evidence required for the investigation. At the close of the investigation, the Commissioner may issue recommendations and conduct a follow-up to verify whether they have been implemented. In addition to investigating complaints, the Commissioner also carefully monitors what is reported in Canadian media about the official languages.

### CONTACTS WITH THE OFFICE OF THE COMMISSIONER

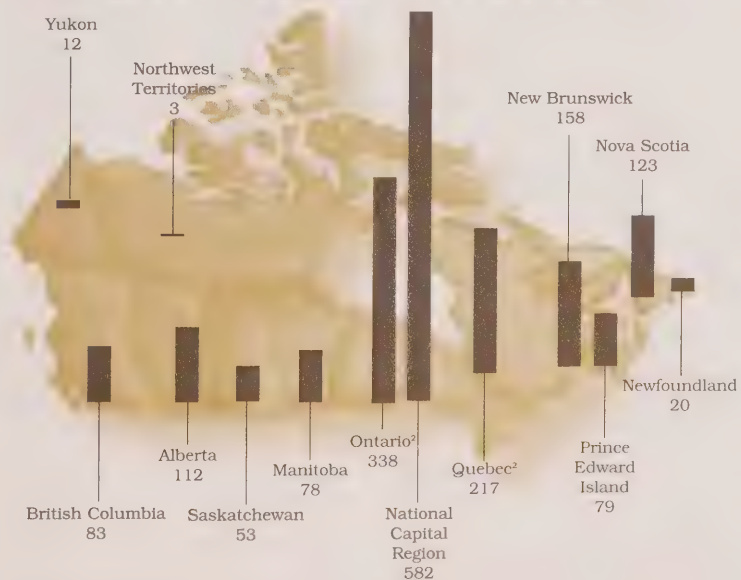
The Office of the Commissioner was contacted some 3,000 times during the period covered by this report – including approximately 1,800 complaints and hundreds of information requests regarding investigations. A significant number of the complaints (1,478) were deemed admissible and gave rise to investigations (see figure 1).

Figure 1 Communications



In line with demographics, 60 percent of the deficiencies were in central Canada: Ontario, Quebec and the National Capital Region (see figure 2). Usually, nearly 80 percent of the incidents brought to the Commissioner's attention are related to service to the public. The other most frequent type of complaint concerns the violation of employees' language rights in their place of work (see figure 3).

While approximately 100 federal institutions are implicated, two-thirds of all admissible complaints, around 1,200 of them, involve some 20 institutions. The other one-third of the complaints target just over 80 institutions (see figure 5). The list of institutions named in the greatest number of complaints, with occasional exceptions, varies little from one year to the next. Any changes are due to the nature of

Figure 2 Distribution of the 1,872<sup>1</sup> complaints lodged by province and territory

<sup>1</sup> Including 14 complaints dealing with services offered outside Canada and 582 complaints in the National Capital Region, 515 from the Ontario side and 67 from the Quebec side.

<sup>2</sup> Excluding the National Capital Region.



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**Figure 3**

**Distribution of admissible complaints (1,478)**

Notices	30	2%
Language requirements	74	5%
Language of work	160	11%
Advancement	15	1%
Service to the Public	1,154	78%
Other	45	3%
<b>Total</b>	<b>1,478</b>	<b>100%</b>

some of the departments' activities. Figure 4 indicates the breakdown of the complaints by region while figure 6 and 7 show the distribution of complaints by subject.

This brief outline shows that, even after 30 years, much remains to be done before we can talk of real progress in the full implementation of the *Official Languages Act*.

**Figure 4 Breakdown of the 1,872 complaints lodged, by region**

Region	Complaints lodged	DISPOSITION		NATURE OF ADMISSIBLE COMPLAINTS						
		Refused/ withdrawn	Admissible	Notices	Service to the public	Language of work	Advancement	Language requirements	Other	Information request
Newfoundland/Labrador	20	2	18	0	16	0	0	2	0	1
Prince Edward Island	79	12	67	1	62	0	2	1	1	4
Nova Scotia	123	32	91	5	79	5	0	0	2	4
New Brunswick	158	27	131	2	94	17	1	14	3	8
Quebec <sup>1</sup>	217	81	136	1	93	21	0	4	17	48
NCR (Quebec)	67	20	47	0	20	23	1	2	1	10
NCR (Ontario)	515	100	415	1	287	85	5	22	15	58
Ontario <sup>1</sup>	338	68	270	1	258	8	1	1	1	29
Manitoba	78	16	62	1	32	0	1	27	1	4
Saskatchewan	53	3	50	9	39	0	2	0	0	7
Alberta	112	12	100	5	92	0	0	0	3	6
British Columbia	83	18	65	1	61	1	0	1	1	8
Yukon	12	0	12	1	11	0	0	0	0	2
Northwest Territories	3	0	3	2	1	0	0	0	0	0
Foreign	14	3	11	0	9	0	2	0	0	1
<b>TOTAL</b>	<b>1,872</b>	<b>394</b>	<b>1,478</b>	<b>30</b>	<b>1,154</b>	<b>160</b>	<b>15</b>	<b>74</b>	<b>45</b>	<b>190</b>

<sup>1</sup>Excluding the National Capital Region (NCR).

Figure 5 Institutions with more than 15 complaints and linguistic distribution by complainants

INSTITUTION	Total	Complaints		Investigations		Francophones	%	Anglophones	%
		Founded	Un-founded	Completed	In progress				
Human Resources Development Canada	161	102	12	114	47	148	92	13	8
Industry Canada	154	16	3	18	136	114	74	40	26
Indian Affairs and Northern Development Canada	147	39	9	35	112	145	99	2	1
Canada Post	119	75	14	91	28	88	74	31	26
Revenue Canada	69	60	5	61	8	56	81	13	19
Royal Canadian Mounted Police	52	27	7	29	23	42	81	10	19
Correctional Service Canada	50	24	9	33	17	32	64	18	36
Air Canada Inc.	49	15	0	15	34	15	31	34	69
Public Works and Government Services Canada	38	29	4	30	8	32	84	6	16
Canadian Heritage	36	22	3	22	14	32	89	4	11
Fisheries and Oceans Canada	36	17	11	30	6	29	81	7	19
National Defence	36	19	7	23	13	32	89	4	11
Statistics Canada	30	20	10	29	1	30	100	0	0
Foreign Affairs and International Trade Canada	29	12	1	16	13	28	97	1	3
Agriculture and Agri-Food Canada	27	19	1	20	7	27	100	0	0
Canada Customs and Revenue Agency	27	12	2	14	13	25	93	2	7
Canada Investment and Savings	27	26	1	26	1	26	96	1	4
Citizenship and Immigration Canada	24	15	2	15	9	21	88	3	12
Transport Canada	23	15	4	20	3	18	78	5	22
Canadian Broadcasting Corporation	20	6	2	10	10	16	80	4	20
Health Canada	18	8	5	13	5	17	94	1	6
Environment Canada	15	7	4	11	4	14	93	1	7
<b>Total</b>	<b>1,187</b>	<b>585</b>	<b>116</b>	<b>675</b>	<b>512</b>	<b>987</b>	<b>83.2%</b>	<b>200</b>	<b>16.8%</b>

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Figure 6 Service to the public: Admissible complaints (1,154)

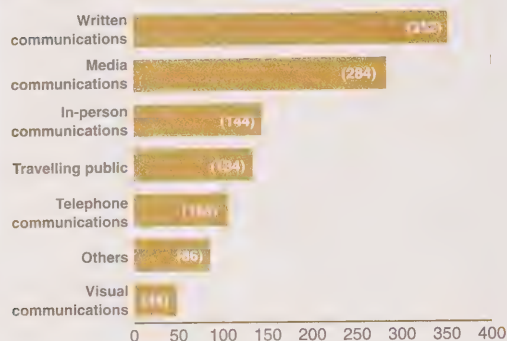
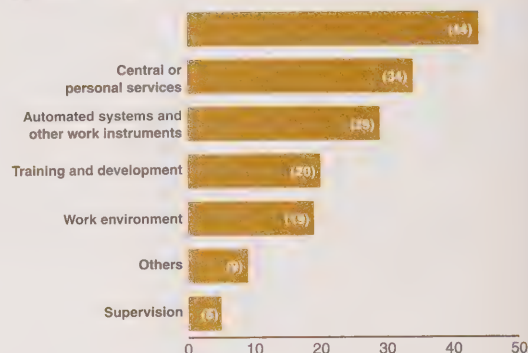


Figure 7 Language of work: The 160 admissible complaints by subject



## READERS' OPINIONS: A REFLECTION OF THE GENERAL PUBLIC

From time to time, newspapers publish letters to the editor on the subject of official languages. When this occurs, the Commissioner informs those involved on the principles and realities of Canada's linguistic duality. A number of the questions raised in letters this year touch on issues dealt with in this report: the Supreme Court's decision in favour of French-speaking parents in Summerside, bilingualism in the context of municipal amalgamation in the Ottawa region, Hôpital Montfort, etc. We present here a few examples of other concerns that were expressed by readers.

### OFFICIAL LANGUAGES, AN INVESTMENT

It was argued that official languages cost Canadians close to \$50 billion annually and that this was the main reason for the national debt. The Commissioner informed the public that, according to official figures, the federal government spent approximately \$439 million on official language programs in 1997-1998, or less than 1 percent of its expenditures. These costs include translation services, language training, bilingualism bonuses and transfers to the provinces for education in the minority official language and second language teaching.

These costs are justified, in that they are prescribed under the *Charter of Rights and Freedoms* and the *Official Languages Act*. However, it is even more important to highlight the advantages that they provide in terms of satisfying Canadians by providing them with service in the language of their choice. And that is not to mention the growing number of young Canadians who are bilingual in this, the age of the knowledge economy and global trade. Moreover, a recent poll conducted by *Canadian Facts* (September 1998) shows that two-thirds of Canadians support our country's linguistic duality and value the idea that young Canadians are learning their second official language.



## ARE UNILINGUAL APPLICANTS EXCLUDED FROM THE FEDERAL PUBLIC SERVICE?

There are some who contend that unilingual Anglophones are discriminated against because federal government jobs and promotions are subject to bilingualism criteria.

The Commissioner reminded Canadians that the *Official Languages Act* recognizes the existence of two linguistic communities in Canada and aims to provide both communities with government services in their own language. As a result, some federal public service positions (33 percent in 1999) are designated bilingual to various degrees. Fifty-five percent of positions are designated English essential, 6 percent are designated French essential, and 4 percent are French or English essential. Therefore, a majority of public service positions are open to unilingual Anglophones, without their having to learn the other official language. As well, a unilingual person may apply for a number of positions that are designated as bilingual, provided that he or she agrees to learn the other official language within a predetermined time, using resources provided by the Public Service Commission. The Commissioner also pointed out that bilingualism is considered an asset to any employee and that the public service recognizes it as a professional skill that adds value, but does not take the place of, employees' other professional skills.

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In the sections that follow, we illustrate the nature and scope of the complaints received with important and revealing examples that indicate systemic problems, inadvertent errors, ignorance of the Act, as well as the adverse effects of government transformations.

## 2.2 LINGUISTIC MINORITY COMMUNITY MEDIA IGNORED

**Officials in charge of communications for federal institutions have the responsibility, under the Act, to inform both official language communities of their organizations' activities and programs. Given their minority status, some communities rely on weekly papers or regional media for information. Therefore, these media must be included in federal communications strategies. The number of complaints received regarding this issue demonstrates an unacceptable level of apathy on the part of federal institutions.**

- Problem:** Some government notices are published only in the media of the dominant language and never reach the official language minority communities, which have their own media.
- Principle:** Federal institutions must adopt communication strategies that include, where the Act requires it, the use of the minority language communities' media.
- Action:** The Commissioner is encouraging federal institutions to use minority community media systematically and will publish a special report on the issue of advertising in newspapers.

## DISAPPOINTING FINDINGS

The Office of the Commissioner again received a number of complaints decrying the fact that institutions used only the media in the dominant language in various parts of the country, without any equivalent in publications whose readership is made up of official language minority communities. The 300 or so cases in this category make up one-fifth of the admissible complaints received.

Despite the fact that many managers, once informed of specific deficiencies, do try to make the required changes in order to comply with the requirements of the Act, there seems to be a certain level of apathy in this regard. For example, Air Canada alone was cited approximately 70 times for this type of oversight.

Given the systemic nature of this problem, the Commissioner is planning to conduct an enhanced investigation and publish a special report in 2001 on the issue of newspaper advertising. The following are a few more specific examples of complaints that were handled.

## ADVERTISING BILATERAL EMPLOYMENT AGREEMENTS

As a result of the broad scope of its activities, the Department of Human Resources Development Canada (HRDC) has been cited for a number of failures to comply with the Act with regard to communicating information on labour market training programs. From the Atlantic to the Pacific, some 40 founded complaints of this type were received against HRDC. During the investigation of these complaints, officials attempted to use the complexity of government transformations as an

excuse to justify the deficiencies brought to light. However, from the standpoint of the affected client or the Commissioner, the complexity of the changes does not justify the department's failure to meet its language requirements.

## SAVINGS BONDS ... AND SAVING THE LANGUAGE

An investigation of over 20 complaints, following the media campaign on the Canada Savings Bonds and Premium Bonds issue, led the Commissioner to urge Canada Investment and Savings (CIS), acting on behalf of the Department of Finance, to review its annual communications plan. According to the allegations, despite a business agreement, the owners of newspapers in French-speaking minority communities did not benefit from CIS's advertising campaign on changes in interest rates.

The managers of the organization involved accepted the Commissioner's suggestion that it purchase additional advertising space in the French-speaking communities' publications. They also made a commitment, at the outset of the campaign, to produce camera-ready copy without mention of the interest rate, which would allow them to publicize the basic information to the target audience when warranted by fluctuations in financial markets.

## 3 HOW TO SERVE THE PUBLIC?

**The government offers many services, some of which involve complex procedures. The result is that Canadians' language rights are often not fully respected. However, the Commissioner is vigilant when it comes to ensuring that violations of the Act, as reported in complaints, are quickly corrected. The following are some examples of problems that have been raised and the solutions that were found.**

**Problem:** Some Canadians maintain that equivalent government information is not provided in both official languages.

**Principle:** Special circumstances must not be used as an excuse to waive the responsibility to serve Canadians in both official languages.

**Action:** All too often, the Commissioner must remind federal institutions that provide a wide variety of services to the public of their responsibilities under the Act.



## MASS MAILING BUGS

Mass mailings are common practice for federal institutions. In the following example, information officials learned that it is not enough to delegate this responsibility to advertising agencies and post office services if it is to be properly fulfilled.

On the eve of the new millennium, the Department of Industry developed an initiative to deal with fears surrounding the Y2K bug, which resulted in hundreds of complaints from Canadians from across the country. They were complaining that they had received the *Millennium Bug Home Check* guide in only one official language, and not their preferred language.

During the investigation, the Commissioner learned that more than 10,000 people had called the toll-free line provided to obtain a version of the publication in their preferred language, as they had been sent a version in the other language. However, a number of Anglophones were not able to use this service because the message in English was typeset differently. It was reproduced in smaller characters than the one addressed to Francophones. This was explained by a lack of space in the French version of the guide. These requests, along with the numerous complaints lodged with the Office of the Commissioner or directly with Canada Post reflect the magnitude of the problem when it comes to the dissemination of information.

## HRDC: LARGE BUT VULNERABLE

There have been some 160 complaints filed against the Department of Human Resources Development (HRDC) citing lack of service, mostly in French, with regard to recorded telephone messages, information requests by telephone, the receipt of documents, on-site visits, and consultation of job banks and Web sites. Gaps in service were identified at a number of service points across the country, including Victoria, Calgary, Saskatoon, Steinbach, Sudbury, Hull, Ottawa, Gaspé, Bathurst, Yarmouth, Summerside and St. John's. The following are a few examples.

### *RIGHT NUMBER, BAD SERVICE*

Rather than asking for help from a bilingual colleague, an employee with the Human Resource Centre of Canada (HRCC) in Toronto hung up three times on a client who spoke French when calling the number provided to her by another officer in the department. A bilingual assistant to the director of the employment centre in question, to whom the incident was reported, ensured that the client was served in French. The manager reminded employees in unilingual positions of the rules of common courtesy. He also asked them to be more careful to respect the client's preferred language when transferring calls to a colleague.

**FEWER JOBS FOR FRANCOPHONES IN THE TELEMESAGE SYSTEM?**

A complaint from a woman in Ontario revealed that the job offers in the telemesage system differed from one language to the other. The French telemesage service indicated that there were no available jobs, whereas in the English version, 59 office jobs were advertised. The investigation conducted by the Office of the Commissioner not only confirmed this problem but showed that, in some cases, the solutions applied were also inequitable. Rather than correcting the situation, a recorded message asked French-speaking clients to visit the employment centre nearest them to obtain the information requested.

In December 1999, the Ontario region of HRDC made a commitment to rectify the situation, but audits by the Office of the Commissioner indicate that the problem persists, despite a number of unsuccessful attempts to correct the situation, including the assignment of a bilingual officer to answer French-speaking clients' requests personally. The Commissioner is continuing to work on this issue to ensure that the required measures are implemented.

**AND AT JOB BANKS?**

A similar situation exists at the HRDC job banks. Having compared the content of the French and English sites, clients of employment centres in the Atlantic provinces, Ontario and Alberta noted that the information provided in French was incomplete and often erroneous. As well, the quality of the French left much to be desired.

This situation can be explained in part by the fact that there are not enough bilingual employees with the required skills to check job offers in both languages, and it is compounded by limitations in the translation software used. Given that it will be impossible for HRDC to remedy the problem quickly, the Commissioner has grouped similar complaints together in order to reassess the problem in the near future. In the meantime, the department has made a commitment to find a permanent solution to this systemic problem.

These examples, and many others, reflect the extent of the obstacles that remain to be overcome before the national employment services system can respond equitably, in English and in French, to the needs of all Canadians. The Commissioner will monitor this situation closely.

**4 THIRD-PARTY SERVICES**

It is commonplace for managers to contract out programs and activities that are part of their organization's mandate. Under the terms of the *Official Languages Act*, it is nevertheless the managers' responsibility to ensure that these third parties provide services in both official languages. The oversights described below provide insight into situations where the Act is not respected.

- Problem:** Some Canadians complain that they do not receive services in their preferred official language when government services are contracted out.
- Principle:** Federal institutions that contract out certain services must ensure that the contracting party that supplies the service is aware of its linguistic obligations.
- Action:** The Commissioner is urging certain federal institutions to take more vigorous action with third parties to make sure that they are aware of their linguistic obligations.

## CANADA POST: RESPECTING THE ACT TO THE LETTER

Canadians living in minority linguistic communities are less likely to be satisfied with service in their language if they have to deal with clerks in Canada Post franchises. This is what complaints about the corporation have indicated for over 10 years. Despite efforts to improve the situation, it persists, and complaints regarding language of service still represent two-thirds of all complaints lodged by users of the corporation's postal outlets.

Whether they are in Prince Albert, Penetanguishene, Ottawa, Montreal or Beresford, Canada Post clients complain about the lack of active offer and of service in English and in French, the unavailability of forms in one of the two official languages, and sometimes even the lack of courtesy shown by some employees. In Sudbury outlet, a woman who asked to be served in French was told curtly, "If you want services in French, you have to get a bilingual customer in the store to translate to [sic] you."

The corporation has already attempted to rectify the situation by sending several reminders to franchise operators. However, the Commissioner believes that Canada Post will need to take concerted action to foster awareness among franchise operators of their linguistic obligations as third-party service providers.

## HOW DO I INSTALL GENet?

A woman who wanted information in French on installing GENet software was required to make several phone calls to a Public Works and Government Services Canada call centre before receiving satisfactory service.



This call centre, a Maritime Tel help desk office located in Prince Edward Island, was available via a toll-free line. Given the centre's inability to properly answer requests in French, the department arranged to have the service provided from a Bell Canada branch office in Hull, Quebec. Audits of the Bell Canada call centre by the Office of the Commissioner confirmed that services were available in both official languages.

## 6.5 ADDRESSING STANDARDS

**Addressing in both official languages constitutes a systemic problem that has been brought to the attention of the Office of the Commissioner repeatedly for many years now. Some institutions, such as Canada Post Corporation and Elections Canada, are often cited in this regard, and the Commissioner encourages the creation of a special working group to look into this problem.**

- Problem:** Recurrent use of the English addressing standard for mail, regardless of the language of the addressee.
- Principle:** Canadians have the right to receive correspondence addressed according to the specific standards of their preferred language.
- Action:** The Commissioner intervened to find a solution to the issue and recommends the creation of an interdepartmental working group to solve this recurrent problem.

## INTERDEPARTMENTAL TEAM TACKLES PROBLEM

The Office of the Commissioner investigated complaints regarding the translation of the generic element of various public thoroughfares in addresses and other documents. Since then, generic translation conventions have been established for street, avenue and boulevard. However, there remain a number of terms for which equivalents have not yet been determined. The Commissioner advocates the creation of an interdepartmental task force that would bring together representatives from the Treasury Board Secretariat, the Translation Bureau, Elections Canada, Canada Post, the Department of Natural Resources and the Office of the Commissioner to ensure progress on this issue.

## "911" IN NEW BRUNSWICK

A plan to standardize addresses for the introduction of a 911 emergency system led to an unpleasant surprise for some French-speaking New Brunswickers when they received address change notices from Canada Post in English only. They mobilized in response to this denial of their language rights. These residents of unincorporated localities in rural areas appealed to the Commissioner after sending Canada Post a petition with 75 signatures.

New Brunswick's Department of Municipalities and Housing was in charge of this program. Following representations by the Commissioner, Canada Post intervened with the department. Acknowledging this denial of rights, it apologized to the persons concerned and informed them that their addresses would henceforth be written in accordance with their linguistic preference.

In order to raise awareness among municipal authorities about the issue of addressing standards and to avoid repeating the problem, Canada Post modified the form to be used in future to carry out similar address standardization projects.

## 6.6 LANGUAGE OF WORK: IS THERE REALLY A CHOICE?

**This question still remains: in regions designated bilingual for language of work purposes, is it possible for employees to work in their preferred language? The numerous complaints on this issue indicate clearly that the answer is no. Twenty-seven federal institutions have been investigated by the Commissioner. The following are a few examples.**

**Problem:** Some federal employees in regions designated bilingual for language of work purposes complain that they are not able to work in their preferred language.

**Principle:** Under the Act, every federal institution located in a designated region must provide all employees with the tools and working conditions that allow them to exercise their right to work in their preferred language.

**Action:** The Commissioner is investigating numerous founded complaints and is taking part in a project together with the Treasury Board Secretariat to follow up on this issue, which was deemed a priority by the Committee of Deputy Ministers Responsible for Official Languages.

## MISSED OPPORTUNITY AT TREASURY BOARD

The Commissioner received nearly 200 complaints this year, 160 of which were admissible, regarding language of work. The deficiencies reported generally have to do with a lack of training sessions, administrative meetings, central services, work instruments (documents, directives, notices, software, Web site content, standardized computer keyboards), electronic messages, recorded greetings, etc., in one of the two official languages. Most of the employees who highlighted these deficiencies work in the following institutions: Nav Canada, Canada Post, Public Works and Government Services Canada, Correctional Service Canada, Human Resources Development Canada, National Defence, Canada Customs and Revenue Agency, and Industry Canada.

Given this persistent problem, the Commissioner deplores the fact that the Treasury Board Secretariat did not decide to include questions on this topic for public service employees in the survey it conducted a few months ago. Given that confidentiality was guaranteed, it would have been useful to assess the results from a different angle than that of complaints. However, Treasury Board has since made a commitment to consider these concerns during the next survey, a commitment that has been confirmed to the Commissioner in writing.

## BON VOYAGE!

Federal employees frequently use the services of a private travel agency with which Public Works and Government Services Canada (PWGSC) has a contract. The Commissioner's investigation confirmed the allegations that the agency does not consistently provide quality service in French. Given the systemic nature of the problem, the Commissioner issued three recommendations to PWGSC. They can be summarized as taking the required measures to ensure that:

- \* the travel agency provides active offer of service in both official languages, and that the French service is of the same quality as that provided to English-speaking employees;
- \* future contracts signed by the government with travel agencies stipulate more clearly and in greater detail the services which must be provided in both official languages;
- \* all information found on travel itineraries provided to federal employees is in both official languages or in the employee's preferred language.

With respect to the first recommendation, call services have been reorganized between the agency's Ottawa, Montreal and Halifax branches in order to increase bilingual capacity, and the client's preferred language has been integrated into the system. While the second recommendation did not pose any problems, the third one did present some technical challenges, which can nonetheless be overcome. The Commissioner will monitor this issue closely to verify to what extent the recommendations are implemented.



## 6.7 EQUITABLE PARTICIPATION

The principle of equitable participation of the English-speaking and French-speaking communities in federal institutions is outlined in Part VI of the *Official Languages Act*. The application of the Act is intended to provide access to the public service to both English-speaking and French-speaking Canadians and ensure that both groups have equal opportunities for employment and advancement.

To reach these goals, managers must take into consideration the specific circumstances in all sectors of the administration at the national, regional, hierarchical and professional levels.

- Problem:** Some institutions do not seem to be able to recruit employees while respecting the equitable participation of the two official language communities.
- Principle:** Federal institutions must provide transparent employment opportunities to members of the majority and minority linguistic communities alike and, in cases of inequitable participation, they must take steps to attract members of the minority group.
- Action:** The Commissioner is investigating complaints, actively encouraging concerted efforts with minority communities to attract employees, and maintaining pressure to require that some institutions increase transparency where equitable participation is concerned.

It is important to clarify that employee selection methods must be based exclusively on the merit principle. Managers cannot establish quotas that favour one language group or the other. However, in order to respect the government's commitment, they must take the necessary measures to attract candidates from both communities and ensure that they may use their preferred language during the staffing process.

## GENERAL PROFILE

In its annual report on official languages, the Treasury Board Secretariat publishes a breakdown of the data on equitable participation by job category in the various regions across the country (see figure 8). At the national level, thanks to significant improvements in the participation of French-speaking employees over the years, the two language groups are fairly well represented in most sectors of activity in federal institutions as a whole.

Figure 8 Data on participation of Anglophones and Francophones in institutions subject to the Official Languages Act (federal departments and agencies, Crown corporations and other organizations)

Institution	Total	Francophones		Anglophones		Unknown	
Agriculture and Agri-Food Canada	4 668	1 068	22.9 %	3 600	77.1 %	-	
Air Canada	22 000	3 663	16.7 %	10 043	45.7 %	8 294	37.7 %
Atlantic Canada Opportunities Agency	398	101	25.4 %	297	74.6 %	-	
Atlantic Pilotage Authority Canada	59	0	0.0 %	59	100.0 %	-	
Atomic Energy of Canada Limited	3 410	47	1.4 %	3 363	98.6 %	-	
Bank of Canada	1 262	493	39.1 %	769	60.9 %	-	
Business Development Bank of Canada	1 114	427	38.3 %	687	61.7 %	-	
Calgary Airport Authority	136	0	0.0 %	136	100.0 %	-	
Canada Council for the Arts	135	66	48.9 %	69	51.1 %	-	
Canada Customs and Revenue Agency	41 764	11 114	26.6 %	30 650	73.4 %	-	
Canada Deposit Insurance Corporation	92	30	32.6 %	62	67.4 %	-	
Canada Economic Development for Quebec Regions	229	224	97.8 %	5	2.2 %	-	
Canada Industrial Relations Board	70	44	62.9 %	26	37.1 %	-	
Canada Information Office	47	30	63.8 %	17	36.2 %	-	
Canada Lands Company	97	20	20.6 %	77	79.4 %	-	
Canada Mortgage and Housing Corporation	1 794	599	33.4 %	1 192	66.4 %	3	0.2 %
Canada Post Corporation	54 769	12 917	23.6 %	41 852	76.4 %	-	
Canadian Broadcasting Corporation	7 839	3 470	44.3 %	4 369	55.7 %	-	
Canadian Centre for Management Development	53	44	83.0 %	9	17.0 %	-	
Canadian Centre for Occupational Health and Safety	72	9	12.5 %	63	87.5 %	-	
Canadian Commercial Corporation	87	25	28.7 %	62	71.3 %	-	
Canadian Dairy Commission	65	36	55.4 %	29	44.6 %	-	
Canadian Environmental Assessment Agency	81	42	51.9 %	39	48.1 %	-	
Canadian Food Inspection Agency	4 521	1 169	25.9 %	3 352	74.1 %	-	
Canadian Forces Personnel Support Agency	2 861	479	16.7 %	2 382	83.3 %	-	
Canadian Grain Commission	685	42	6.1 %	643	93.9 %	-	
Canadian Heritage	4 848	1 557	32.1 %	3 291	67.9 %	-	
Canadian Human Rights Commission	190	85	44.7 %	105	55.3 %	-	
Canadian Intergovernmental Conference Secretariat	19	16	84.2 %	3	15.8 %	-	
Canadian International Development Agency	1 004	608	60.6 %	396	39.4 %	-	
Canadian International Trade Tribunal	73	44	60.3 %	29	39.7 %	-	
Canadian Museum of Civilization	512	313	61.1 %	199	38.9 %	-	
Canadian Museum of Nature	132	54	40.9 %	78	59.1 %	-	
Canadian National Railway Company	18 385	3 384	18.4 %	11 797	64.2 %	3 204	17.4 %
Canadian National Railway Company (Subsidiary)	254	61	24.0 %	193	76.0 %	-	
Canadian Nuclear Safety Commission	420	107	25.5 %	313	74.5 %	-	

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Figure 8 (continued)

Institution	Total	Francophones		Anglophones		Unknown
Canadian Polar Commission	6	2	33.3 %	4	66.7 %	-
Canadian Race Relations Foundation	7	2	28.6 %	5	71.4 %	-
Canadian Radio-television and Telecommunications Commission	323	166	51.4 %	157	48.6 %	-
Canadian Space Agency	323	186	57.6 %	137	42.4 %	-
Canadian Transportation Accident Investigations and Safety Board	203	64	31.5 %	139	68.5 %	-
Canadian Transportation Agency	230	105	45.7 %	125	54.3 %	-
Canadian Wheat Board	551	9	1.6 %	542	98.4 %	-
Cape Breton Development Corporation	1 657	3	0.2 %	1 654	99.8 %	-
Citizenship and Immigration Canada	3 864	1 023	26.5 %	2 841	73.5 %	-
Competition Tribunal	7	4	57.1 %	3	42.9 %	-
Correctional Service Canada	14 032	4 311	30.7 %	9 721	69.3 %	-
Defence Construction Canada	219	41	18.7 %	178	81.3 %	-
Department of Finance	752	287	38.2 %	465	61.8 %	-
Edmonton Regional Airports Authority	199	8	4.0 %	191	96.0 %	-
Enterprise Cape Breton Corporation	55	3	5.5 %	52	94.5 %	-
Environment Canada	4 465	1 287	28.8 %	3 178	71.2 %	-
Export Development Corporation	767	222	28.9 %	545	71.1 %	-
Farm Credit Corporation Canada	914	206	22.5 %	708	77.5 %	-
Federal Court of Canada	386	187	48.4 %	199	51.6 %	-
Fisheries and Oceans Canada	9 260	2 026	21.9 %	7 234	78.1 %	-
Foreign Affairs and International Trade Canada	3 360	1 142	34.0 %	2 218	66.0 %	-
Freshwater Fish Marketing Corporation	137	7	5.1 %	130	94.9 %	-
Great Lakes Pilotage Authority	85	38	44.7 %	47	55.3 %	-
Greater Toronto Airports Authority	725	0	0.0 %	725	100.0 %	-
Greater Moncton Airport Authority Inc.	40	9	22.5 %	31	77.5 %	-
Halifax Port Corporation	56	2	3.6 %	54	96.4 %	-
Hazardous Materials Information Review Commission	10	1	10.0 %	9	90.0 %	-
Health Canada	5 641	1 396	24.7 %	4 245	75.3 %	-
Human Resources Development Canada	20 469	6 674	32.6 %	13 795	67.4 %	-
Immigration and Refugee Board	834	319	38.2 %	515	61.8 %	-
Indian and Northern Affairs Canada	2 890	560	19.4 %	2 330	80.6 %	-
Indian Oil and Gas Canada	63	1	1.6 %	62	98.4 %	-
Industry Canada	4 811	1 928	40.1 %	2 883	59.9 %	-
International Centre for Human Rights and Democratic Development	26	19	73.1 %	7	26.9 %	-
International Development Research Centre	272	106	39.0 %	166	61.0 %	-
Justice Canada	2 743	1 008	36.7 %	1 735	63.3 %	-



Figure 8 (continued)

Institution	Total	Francophones		Anglophones		Unknown	
Aviation Pilotage Authority	51	50	98.0 %	1	2.0 %	-	-
Law Commission of Canada	4	1	25.0 %	3	75.0 %	-	-
Marine Atlantic Inc.	992	6	0.6 %	986	99.4 %	-	-
Medical Research Council of Canada	89	34	38.2 %	55	61.8 %	-	-
Montreal Airport	589	571	96.9 %	18	3.1 %	-	-
Montreal Port Corporation	337	322	95.5 %	15	4.5 %	-	-
NFTA Secretariat - Canadian Section	6	3	50.0 %	3	50.0 %	-	-
National Archives of Canada	630	241	38.3 %	389	61.7 %	-	-
National Arts Centre	773	336	43.5 %	437	56.5 %	-	-
National Battlefields Commission	71	70	98.6 %	1	1.4 %	-	-
National Capital Commission	420	238	56.7 %	182	43.3 %	-	-
National Defence	59 658	16 496	27.7 %	43 162	72.3 %	-	-
National Defence (Civilian personnel only)	17 210	3 399	19.8 %	13 811	80.2 %	-	-
National Energy Board	255	34	13.3 %	221	86.7 %	-	-
National Farm Products Marketing Council	8	4	50.0 %	4	50.0 %	-	-
National Film Board	447	280	62.6 %	167	37.4 %	-	-
National Gallery of Canada	280	108	38.6 %	172	61.4 %	-	-
National Library of Canada	431	186	43.2 %	245	56.8 %	-	-
National Museum of Science and Technology	239	109	45.6 %	130	54.4 %	-	-
National Parole Board	258	100	38.8 %	158	61.2 %	-	-
National Research Council Canada	3 261	870	26.7 %	2 289	70.2 %	102	3.1 %
National Round Table on the Environment and the Economy	19	8	42.1 %	11	57.9 %	-	-
Natural Resources Canada	3 908	1 175	30.1 %	2 733	69.9 %	-	-
Natural Sciences and Engineering Research Council	223	105	47.1 %	118	52.9 %	-	-
NV Canada	5 516	972	17.6 %	4 544	82.4 %	-	-
Office of the Auditor General of Canada	539	217	40.3 %	322	59.7 %	-	-
Office of the Chief Electoral Officer	232	137	59.1 %	95	40.9 %	-	-
Office of the Commissioner of Official Languages	112	80	71.4 %	32	28.6 %	-	-
Office of the Correctional Investigator	17	9	52.9 %	8	47.1 %	-	-
Office of the Governor General's Secretary	129	74	57.4 %	55	42.6 %	-	-
Office of the Superintendent of Financial Institutions	343	85	24.8 %	258	75.2 %	-	-
Offices of the Information and Privacy Commissioners of Canada	80	42	52.5 %	38	47.5 %	-	-
Old Port of Montreal Corporation Incorporated	187	181	96.8 %	6	3.2 %	-	-
Ottawa International Airport Authority	106	37	34.9 %	69	65.1 %	-	-
Pacific Pilotage Authority	62	1	1.6 %	61	98.4 %	-	-
Passport Office	640	237	37.0 %	403	63.0 %	-	-
Patented Medicine Prices Review Board	29	10	34.5 %	19	65.5 %	-	-

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Figure 8 (continued)

Institution	Total	Francophones		Anglophones		Unknown	
Prairie Farm Rehabilitation Administration	333	1	0.3 %	332	99.7 %	-	
Prince Rupert Port Corporation	15	0	0.0 %	15	100.0 %	-	
Privy Council Office	551	298	54.1 %	253	45.9 %	-	
Public Service Commission of Canada	1 191	726	61.0 %	465	39.0 %	-	
Public Service Staff Relations Board	38	23	60.5 %	15	39.5 %	-	
Public Works and Government Services Canada	10 693	4 641	43.4 %	6 052	56.6 %	-	
Quebec Port Corporation	47	47	100.0 %	0	0.0 %	-	
Royal Canadian Mint	711	294	41.4 %	417	58.6 %	-	
Royal Canadian Mounted Police	15 858	3 109	19.6 %	12 680	80.0 %	69	0.4 %
Royal Canadian Mounted Police (Civilian personnel)	3 002	697	23.2 %	2 305	76.8 %	-	
RCMP Public Complaints Commission	28	13	46.4 %	15	53.6 %	-	
RCMP External Review Committee	6	4	66.7 %	2	33.3 %	-	
Saint John Port Corporation	25	2	8.0 %	23	92.0 %	-	
Seaway International Bridge Corporation Ltd.	20	4	20.0 %	16	80.0 %	-	
Security Intelligence Review Committee	14	7	50.0 %	7	50.0 %	-	
Social Sciences and Humanities Research Council	132	58	43.9 %	74	56.1 %	-	
Solicitor General Canada	199	64	32.2 %	135	67.8 %	-	
St. John's Port Corporation	14	0	0.0 %	14	100.0 %	-	
Standards Council of Canada	60	16	26.7 %	44	73.3 %	-	
Statistics Canada	5 069	2 084	41.1 %	2 985	58.9 %	-	
Status of Women Canada	99	44	44.4 %	55	55.6 %	-	
Supreme Court of Canada	118	65	55.1 %	53	44.9 %	-	
Tax Court of Canada	112	71	63.4 %	41	36.6 %	-	
Telefilm Canada	137	85	62.0 %	52	38.0 %	-	
The Jacques Cartier and Champlain Bridges Incorporated	36	35	97.2 %	1	2.8 %	-	
The St. Lawrence Seaway Management Corporation	623	249	40.0 %	374	60.0 %	-	
Transport Canada	4 117	1 078	26.2 %	3 039	73.8 %	-	
Treasury Board of Canada (Secretariat)	630	271	43 %	359	57 %	-	
Vancouver International Airport Authority	313	2	0.6 %	311	99.4 %	-	
Vancouver Port Corporation	157	2	1.3 %	155	98.7 %	-	
Veterans Affairs Canada	3 342	1 459	43.7 %	1 883	56.3 %	-	
VIA Rail Canada Inc.	3 238	1 256	38.8 %	1 982	61.2 %	-	
Western Economic Diversification Canada	280	31	11.1 %	249	88.9 %	-	
Winnipeg Airports Authority Inc.	122	8	6.6 %	114	93.4 %	-	
<b>TOTAL</b>	<b>404 008</b>	<b>109 312</b>	<b>27.0 %</b>	<b>283 024</b>	<b>70.0 %</b>	<b>11 762</b>	<b>2.9 %</b>

However, as we have pointed out on numerous occasions over the years, there remain some problem areas. These include the low rate of participation of Anglophones in Quebec in departments and agencies subject to the *Public Service Employment Act*, outside of the National Capital Region. Another recurrent problem is the refusal of Air Canada and Canadian National Railways to provide complete data on the linguistic make-up of their staff under the terms of the Act.

## ENGLISH-SPEAKING EMPLOYEES IN QUEBEC

The under-representation of Anglophones in federal institutions in Quebec has been an issue with the Office of the Commissioner for many years. Since the recommendations made by the Commissioner to the Governor in Council, the Treasury Board Secretariat and the Public Service Commission had no discernable impact on the situation, these were followed up by additional representations to the organizations concerned. As a result, administrators commissioned a study, which resulted in a report published last spring entitled *Anglophone Participation in the Federal Public Service in Quebec*.

According to the report, English-speaking Quebecers are not interested in job categories other than the scientific and professional level job categories. The language requirements were one of the factors cited to explain why Anglophones displayed low levels of interest in technical, support and operational positions. A joint working group made up of federal institutions and representatives from the minority community proposed a series of measures to inform Anglo-Quebecers of job opportunities in federal institutions. The Commissioner is currently conducting investigations of Canada Post and Transport Canada in response to complaints regarding equitable participation, and she is counting on the co-operation of the working group to find concrete solutions.

## FLYING IN FRENCH

A complaint has been filed against Air Canada by the Association des gens de l'air du Québec (AGAQ), which alleges once again, after more than 20 years of similar complaints, that French-speaking pilots are discriminated against in the air transportation industry. For far too long, Air Canada has been cited for neglecting its responsibilities under Part VI of the Act by failing to provide complete data on its employees' first official language. In her investigation, the Commissioner is requesting the help of the Treasury Board in order to obtain specific data from Air Canada on the percentages of English-speaking and French-speaking employees.



## 6.8 LANGUAGE REQUIREMENTS

Positions are assigned a linguistic designation to ensure that service of comparable quality is available to the public in English and French and to create a work environment conducive to the use of both official languages. Many employees consider the profiles for their positions too high or not high enough and file complaints to this effect with the Commissioner. Dozens of investigations have been conducted this year in order to respond to approximately 100 complaints. Most of these complaints were deemed founded. The following is an example.

- Problem:** Some institutions lower the language requirements of positions without taking into account the conditions that require the provision of service to members of the public from minority communities.
- Principle:** Language requirements for positions must be set in accordance with real communications needs.
- Action:** The Commissioner has reaffirmed the meaning of the Act and is attempting to obtain action plans from the institutions in question indicating their intention to comply before proceeding with legal action.

## THE RIGHT PROFILE FOR THE RCMP

The Commissioner was required to staunchly defend her position in order to convince certain managers with the Royal Canadian Mounted Police (RCMP) to interpret the *Official Languages Act* properly. In the Atlantic region the RCMP adopted measures that would change the language profile of a number of constable positions, based on a study conducted by a consultant.

The consultant had recommended lowering the requirement for oral interaction in a number of constable positions from the C to the B level. He justified this recommendation by the fact that this change would allow for greater flexibility in human resources management. Furthermore, unilingual constables had argued that the language requirement set at the C level precluded them from obtaining certain regional promotions and transfers.

Some complainants, including some from the Acadian community, believed that the RCMP's decision to reduce the language requirements might compromise the effective delivery of service to members of the public in their preferred official language.

After investigating, Commissioner Goldbloom initially indicated that he disagreed with the RCMP's decision and believed that the consultant's reasoning in his review of the issue was based on an erroneous interpretation of the application of section 91 of the Act. Later, Commissioner Adam had to convince the RCMP of the cogency of her recommendations by demonstrating beyond any doubt that, when determining the language requirements for positions, it is necessary to make a distinction between sections 39 and 91 of the Act. No direct links must be made between the principle of equitable participation of employees, both English-speaking and French-speaking, and obligations regarding the objective staffing of bilingual positions. Furthermore, the Commissioner insisted that staffing action must be taken for each specific position or situation, rather than collectively.

The Commissioner therefore requested that the RCMP suspend the implementation of the recommendations contained in the consultant's report and establish a community consultation process. She is pursuing her efforts to obtain an equitable and long-term resolution for these complainants, in accordance with the provisions of the *Official Languages Act*.

## CONCLUSION

One of the principal mandates of the Commissioner is to receive complaints from the public and investigate them in order to propose solutions. Once again this year, a considerable number of complaints were filed. For the most part, they dealt with service to the public, but the language rights of public service employees were also cited. A wide variety of institutions are targeted, but some of them show more deficiencies than others, namely: Human Resources Development Canada, Industry Canada, Air Canada and Canada Post Corporation.

A veritable vicious circle seems to operate with respect to federal action on official languages. The denial of language rights gives rise to complaints, which lead to investigations by the Office of the Commissioner, which in turn lead to certain conclusions that may be accompanied by recommendations. Federal institutions respond to them by making superficial changes that do not affect the structural nature of the problems, and the problems recur.

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To bring about lasting changes with regard to official languages, a different cycle must be instituted: 1) responsible commitment and leadership by the federal government must be affirmed; 2) a framework for application of the Act must be clearly defined; 3) the accountability of federal institutions must be strengthened; 4) their performance must be evaluated on the basis of lasting results in terms of quality service.

The Commissioner plans to turn to managers to find solutions. In order to rectify the situation, they must include in their action plans ways to heighten employee awareness at all levels and on a regular basis. To this end, the Commissioner anticipates intervening in the organizational culture of the public service. This culture must integrate the fundamental value represented by Canada's official languages. It must generate the conviction that linguistic duality is an asset, a broadening of professional perspective and a wider window on the world. To be sure, this cultural change will not take place of its own accord. The public service must actively promote this vision to its members and train its managers to deal with the specific management challenges that bilingualism poses.



**SECTION 39 OF THE ACT****Commitment**

*39. (1) The Government of Canada is committed to ensuring that:*

- a) English-speaking Canadians and French-speaking Canadians, without regard to their ethnic origin or first language learned, have equal opportunities to obtain employment and advancement in federal institutions; and*
- b) the composition of the workforce of federal institutions tends to reflect the presence of both the official language communities of Canada, taking into account the characteristics of individual institutions, including their mandates, the public they serve and their location.*

**Employment opportunities**

*(2) In carrying out the commitment of the Government of Canada under subsection (1), federal institutions shall ensure that employment opportunities are open to both English-speaking Canadians and French-speaking Canadians, taking due account of the purposes and provisions of Parts IV and V in relation to the appointment and advancement of officers and employees by those institutions and the determination of the terms and conditions of their employment.*

**Merit principle**

*(3) Nothing in this section shall be construed as abrogating or derogating from the principle of selection of personnel according to merit.*

**SECTION 91 OF THE ACT****Staffing generally**

*1. Nothing in Part IV or V authorizes the application of official language requirements to a particular staffing action unless those requirements are objectively required to perform the functions for which the staffing action is undertaken.*



## CONCLUSION

1999-2000

During this long reporting period (15 months), the fifth Commissioner of Official Languages, Dyane Adam, assumed office. Together with her predecessor, Victor Goldbloom, the Commissioner received some 1,800 complaints, most of which proved to be founded. In duly carrying out their mandate, the Commissioners also intervened in several court cases relating to language rights and had some exemplary successes, as in the Arsenault-Cameron case and the Beaulac case. They launched several special studies on problems such as the choices of parents to have their children educated in French, French in high-performance sport and French on the Internet.

Some significant progress was noted with regard to the bilingualism of government services. The transportation bill, for example, could clarify several matters relating to the linguistic obligations of Air Canada and its subsidiaries as regards their service to the public. VIA Rail has finally reorganized its resources to better serve its clientele in both official languages. Human Resources Development Canada and Health Canada forged closer ties with official language minority communities by creating consultative committees. And, at the highest level of the federal government, the Committee of Deputy Ministers Responsible for Official Languages seems to want to make its mark and is promising to exercise active and sustained leadership.

In spite of all of this, the implementation of the *Official Languages Act* has not been a glowing success. Thirty years after it was passed by the Parliament of Canada, it is unacceptable that the Office had to investigate about 1,500 complaints regarding its implementation. Moreover, the Commissioner noted a considerable number of deficiencies in offices designated to provide service in both official languages. That is in addition to the chronic lack of in-depth action by federal institutions on the recommendations made by the Commissioner following her investigations. Government transformations, motivated by the zero deficit goal, have hit minority communities that are still far from achieving equality of status and service in both official languages for which they are entitled according to the Act. In view of such a host of deficiencies, the Commissioner can only conclude that there is a lack of political leadership in the federal government with regard to linguistic duality.

Meanwhile, year after year, the world continues to change, and Canada is facing new challenges that are of some concern to the Commissioner. The Internet is expanding rapidly, attracting the majority of government institutions, non-governmental organizations and private enterprises to offer their services to Canadians on-line. This is clearly detrimental to the use of French, since English predominates on the Internet. On



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another front, Canada should review its immigration policy, and this review should place greater emphasis on considerations other than economic ones. A true immigration policy must be part of a demographic policy which, in the Canadian context, must respect the principle of linguistic duality.

In view of these new challenges and the older ones on which there has been little apparent progress, the Commissioner intends to add new methods of action. The investigation mechanisms and the threat of court remedy seem to have fostered some resistance, which must be broken down by a change in the culture of federal institutions with regard to linguistic duality. The responsibility in this regard must be assumed at all levels of the administration and of the government. The Commissioner will continue to employ these two mechanisms that are central to her mandate, but will also intend to diversify her approaches in the coming years.

## APPENDIX

## INTERVENTIONS BY THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES 1999-2000

The following are the principal interventions of an official nature made by the Commissioner and her predecessor in 1999-2000. This list, of course, does not include the many other interventions by staff of the Office of the Commissioner, at both the regional and national levels.

### *POLITICAL INTERVENTIONS*

- Some 60 meetings with deputy ministers of elected officials
- Four appearances before parliamentary committees

### *COMMUNITY INTERVENTIONS*

- Some 30 meetings with representatives of associations
- Some 200 persons consulted in approximately 20 sessions organized in 10 Canadian cities in February and March 2000
- Some 15 speeches/talks given

### *ADMINISTRATIVE INTERVENTIONS*

- Some 200 letters and 800 notices of intention sent to government bodies
- Approximately 10 studies conducted

### *INTERVENTIONS TO RAISE AWARENESS / PROVIDE INFORMATION*

- Some 185 interviews
- Some 10 news releases
- Some 25 letters to the editor
- Some 600 references to the Commissioner or the Office of the Commissioner in the media
- Approximately 10 speeches
- Approximately 10 meetings with heads of federal institutions

### *LEGAL INTERVENTIONS*

- Some 15 court remedy proceedings under way
- Intervention in two school governance files
- Participation in two jurists' conferences

### *COMPLAINTS HANDLING*

- Over 1,800 complaints received
- Nearly 1,500 complaints found admissible







ANNEXE

ES INTERVENTIONS DU COMMISSARIAT AUX  
ANGES OFFICIELLES EN 1999-2000

Nous présentons ici les principales interventions, à caractère  
factuel, réalisées par la Commissaire et son prédécesseur au  
cours de 1999-2000. Bien entendu, cette liste ne tient pas  
compte des nombreuses autres interventions du personnel du Commissariat, tant en  
région qu'à l'échelle nationale.

TERVENTIONS POLITIQUES

- Environ 60 rencontres ont eu lieu avec des sous-ministres ou des élus
- Quatre comparutions ont eu lieu devant des comités parlementaires

TERVENTIONS COMMUNAUTAIRES

- Environ 30 représentants d'associations ont été rencontrés
- Environ 200 personnes ont été consultées dans le cadre d'une vingtaine de  
sessions qui ont été organisées dans 10 villes canadiennes en février et mars 2000
- Environ 15 allocutions ou discours ont été prononcés

TERVENTIONS ADMINISTRATIVES

- Quelques 200 lettres et 800 préavis ont été envoyés aux administrations  
gouvernementales
- Une dizaine d'études ont été menées

TERVENTIONS DE SENSIBILISATION ET D'INFORMATION

- Environ 185 entrevues ont été accordées
- Environ 10 communiqués de presse ont été diffusés
- Environ 25 lettres ont été publiées dans les journaux
- Environ 600 mentions du Commissariat ou de la Commissaire sont parues dans  
les médias
- Environ 10 allocutions ont été prononcées
- Environ 10 rencontres avec des dirigeants et institutions fédérales ont  
eu lieu

TERVENTIONS JURIDIQUES

- Environ 15 recours judiciaires sont en cours
- Interventions dans deux dossiers de gestion scolaire
- Participation à deux conférences de juristes

ITEMENT DES PLAINTES

- Plus de 1 800 plaintes ont été reçues
- Près de 1 500 plaintes ont été jugées recevables

Sur un autre plan, le Canada doit revoir sa politique d'immigration, et il importe de veiller à ce que les motivations économiques ne soient pas les seules à guider l'exercice. Une véritable politique d'immigration doit s'insérer dans une politique démographique et celle-ci, dans le contexte canadien, doit respecter le principe de dualité linguistique.

Face à ces nouveaux défis et aux plus anciens qui ne semblent pas vouloir progresser, la Commissaire se propose d'ajouter d'autres modes d'intervention. Les mécanismes d'enquête et la menace de recours judiciaires semblent avoir instillé une attitude de résistance qu'il faut désamorcer par un changement de la culture des organisations fédérales à l'égard de la dualité linguistique. La responsabilité à cet égard doit être assumée à tous les niveaux de l'administration et du gouvernement. Sans toutefois délaisser ces deux mécanismes qui restent au centre de l'exercice de son mandat, la Commissaire entend diversifier ses moyens d'intervention au cours des prochaines années.



## LE MOT DE LA FIN

1999-2000

Le long exercice (15 mois) du Commissariat a été marqué par l'entrée en poste de la cinquième Commissaire aux langues officielles, Mme Dyane Adam. Avec son prédécesseur, M. Victor Goldbloom, ils ont reçu quelque 1 800 plaintes dont la plupart se sont avérées fondées. Dans l'exercice vigilant de leur mandat, les Commissaires sont également intervenus dans plusieurs causes relatives aux droits linguistiques et ont été témoins de succès exemplaires.

Notamment dans l'affaire Arsenault-Cameron ou dans l'affaire Beaulac. Ils ont enfin mis en chantier plusieurs études spéciales sur des problèmes tels que les choix scolaires des parents de faire instruire leurs enfants en français, le français dans le sport de haut niveau ou encore le français sur Internet.

Quelques progrès significatifs ont été remarqués dans le bilinguisme des services gouvernementaux. Le projet de loi sur les transports, par exemple, pourrait clarifier plusieurs questions relatives aux obligations linguistiques d'Air Canada et de ses filiales en matière de services au public. Via Rail a finalement réorganisé ses ressources pour mieux servir sa clientèle dans les deux langues officielles. Développement des ressources humaines Canada et Santé Canada se sont rapprochés des communautés minoritaires de langue officielle en créant des comités de concertation. Au plus haut niveau de l'administration fédérale, le Comité des sous-ministres responsables des langues officielles semble déterminé à exercer un leadership actif et soutenu.

Malgré tout, le portrait de la mise en œuvre de la *Loi sur les langues officielles* n'est pas reluisant. Trente ans après son adoption par le Parlement du Canada, il est inadmissible de devoir instruire un millier et demi de plaintes quant à son implantation. De plus, la Commissaire a constaté un nombre considérable de lacunes dans des bureaux désignés pour offrir les services dans les deux langues officielles. Et c'est sans compter le manque chronique de suivi en profondeur, de la part des institutions fédérales, aux recommandations formulées par la Commissaire à la suite de ses enquêtes. Les transformations gouvernementales, motivées par la quête du déficit zéro, n'ont pas épargné les communautés minoritaires. Elles sont encore loin d'avoir atteint l'égalité de statut et de service qui leur est due en vertu de la Loi. Face à une telle masse de lacunes, la Commissaire ne peut que conclure au manque de leadership politique du gouvernement fédéral en ce qui a trait à la dualité linguistique.

Pendant ce temps, année après année, le Canada affronte de nouveaux défis qui ne sont pas sans préoccuper la Commissaire. Internet se déploie à grande vitesse et rallie une majorité d'institutions gouvernementales, d'organisations non gouvernementales et d'entreprises privées qui y offrent leurs services au public canadien. Il est clair que cela se réalise au détriment de l'usage du français car Internet tend à privilégier l'anglais.



## ARTICLE 39 DE LA LOI

## Engagement

39. (1) Le gouvernement fédéral s'engage à ce que :

- (a) les Canadiens d'expression française et d'expression anglaise, sans distinction d'origine ethnique ni d'égard à la première langue apprise, aient des chances égales d'emploi et d'avancement dans les institutions fédérales;

- (b) les objectifs des institutions fédérales tendent à refléter la présence en Canada des deux collectivités de langue officielle; compte tenu de la nature de chacune d'elles et notamment de leur mandat, de leur public et de l'embellissement de leurs bureaux;

## Possibilités d'emploi

- (2) Les institutions fédérales œuvrent, au titre de cet engagement, à ce que l'emploi soit ouvert à tous les Canadiens, tant d'expression française que d'expression anglaise, compte tenu des objets et des dispositions des parties IV et V relatives à l'emploi.

## Principe du mérite

- (3) Le présent article n'a pas pour effet de porter atteinte au mode de sélection fondé sur le mérite.

## ARTICLE 91 DE LA LOI

## Dotation en personnel

91. Les parties IV et V ont pour effet d'autoriser la prise en compte des institutions relatives aux langues officielles, lors d'une dotation en personnel, que si elle s'inspire objectivement pour l'exercice des fonctions en cause.



obligations à l'égard de la dotation objective des postes bilingues. De plus, la Commissaire a insisté sur le fait que cette dotation devait être faite pour chaque poste ou situation particulière et non d'une manière collective.

La Commissaire a donc demandé à la GRC de suspendre la mise en œuvre des recommandations contenues dans le rapport du consultant et de mettre en place un processus de consultation avec la communauté. Elle poursuit ses démarches en vue d'obtenir un règlement équitable et durable pour les plaignants et ce, en conformité avec les dispositions de la Loi sur les langues officielles.

## CONCLUSION

L'un des mandats principaux de la Commissaire est de recevoir les plaintes du public et d'enquêter pour y proposer des solutions. Cette année encore, un nombre considérable de plaintes a été enregistré. Elles touchent pour l'essentiel au service au public, mais aussi aux droits linguistiques des employés de la fonction publique. Plusieurs institutions sont visées, mais un certain nombre d'entre elles enregistrent davantage de manquements : il s'agit de Développement des ressources humaines Canada, Industrie Canada, Air Canada et la Société canadienne des postes.

Un véritable cercle vicieux semble régir l'action fédérale en matière de langues officielles. Le déni des droits linguistiques donne lieu à des plaintes, lesquelles appellent des enquêtes du Commissariat, qui mènent à des conclusions qui peuvent être accompagnées de recommandations. Les institutions fédérales y répondent par des changements superficiels qui ne transforment pas la nature structurelle des problèmes, et ceux-ci se répètent.

Pour provoquer des changements durables au chapitre des langues officielles, un cycle différent doit être envisagé : 1) l'engagement responsable et le leadership du gouvernement fédéral doivent être affirmés; 2) un cadre d'application de la Loi doit être clairement défini; 3) l'obligation de rendre compte des institutions fédérales doit être renforcée; 4) leur rendement doit être fondé sur la mesure de résultats durables quant à la qualité des services.

La Commissaire compte se tourner vers les gestionnaires pour trouver des solutions. Ceux-ci doivent inclure dans leurs plans d'action la sensibilisation du personnel à tous les niveaux et sur une base régulière, afin de corriger cette situation. C'est pourquoi la Commissaire envisage, pour l'avenir, d'intervenir aussi en ce qui a trait à la culture organisationnelle dans la fonction publique. Celle-ci doit intégrer la valeur fondamentale que constituent les langues officielles au Canada. Elle doit engendrer non pas une attitude réactive face aux obligations administratives imposées par la Loi, mais le sentiment que la dualité linguistique constitue une richesse, un élargissement de la perspective professionnelle, une voie d'accès plus vaste sur le monde. Bien sûr, ce changement culturel ne va pas de soi. La fonction publique doit sensibiliser activement ses membres à cette vision et former ses cadres aux défis particuliers de gestion que pose le bilinguisme.

**Problème :** Certaines institutions diminuent les exigences linguistiques de leurs postes, sans tenir compte des conditions qu'exige la prestation des services au public minoritaire.

**Principe :** Les exigences linguistiques des postes doivent être déterminées selon les besoins réels de communication.

**Action :** La Commissaire a réaffirmé le sens de la Loi et tente d'obtenir des institutions en cause un plan d'action indiquant leur intention de s'y conformer avant d'avoir recours aux tribunaux.

## E BON PROFIL POUR LA GRC

La Commissaire a dû défendre fermement sa position afin que la Loi sur les langues officielles soit interprétée correctement par certains gestionnaires de la GRC. En Atlantique, se fondant sur les conclusions d'un examen effectué par un consultant, la GRC a adopté des mesures visant à améliorer le profil linguistique de plusieurs postes de gendarmes.

Le consultant avait recommandé d'abaisser l'exigence relative à l'interaction orale de plusieurs postes de gendarme du niveau « C » au niveau « B ». Il justifiait l'absence de recommandation par le fait que ce changement permettrait une plus grande visibilité dans la gestion des ressources humaines. De plus, des gendarmes bilingues avaient également invoqué que les exigences linguistiques établies au niveau « C » les privaient de leurs chances d'obtenir certaines promotions et rotations régionales.

Des plaignants, dont certains représentent la communauté acadienne, ont affirmé que la décision de la GRC de réduire les exigences linguistiques risquait de compromettre la prestation effective de services au public dans la langue officielle de son choix.

Dans un premier temps, après enquête, le Commissaire Goldbloom a manifesté son désaccord avec la décision de la GRC, considérant que le raisonnement du consultant lors de son examen de la question était fondé sur des interprétations erronées de l'application de l'article 91 de la Loi. Dans un deuxième temps, la Commissaire Adam a dû convaincre la GRC du bien-fondé de ses recommandations. Elle lui démontrant que, lors de la détermination des exigences linguistiques des postes, on se devait de faire les distinctions requises entre les articles 39 et 91 de la Loi. Il ne fallait pas établir de liens directs entre les principes de la participation équitable des employés, qu'ils soient francophones ou anglophones, et les

## EMPLOYES ANGLOPHONES AU QUÉBEC

La sous-représentation des employés anglophones dans les institutions fédérales au Québec est un dossier actif du Commissariat depuis de nombreuses années. Les recommandations adressées par le Commissaire Goldbloom au gouverneur en conseil, au Secrétaire du Conseil du Trésor et à la Commission de fonction publique n'ayant pas changé sensiblement la situation, la Commissaire a poursuivi ses interventions auprès des organismes responsables. Les administrateurs ont alors commandé une étude, dont le rapport intitulé *Anglophone Participation in Federal Public Service in Quebec* a été publié le printemps dernier.

Selon ce rapport, contrairement aux catégories de niveaux scientifique et professionnelle, les autres catégories ne semblent pas intéresser les Québécois et Québécoises d'expression anglaise. Les exigences linguistiques étaient un des facteurs invoqués pour expliquer le peu d'intérêt manifesté par les candidats anglophones pour les postes liés à la technique, au soutien et à l'exploitation. Un groupe de travail conjoint composé des institutions fédérales et des représentants de la communauté minoritaire a proposé une série de moyens pour bien informer la population anglo-québécoise des possibilités d'emploi au sein des institutions fédérales. Pour sa part, la Commissaire mène actuellement des enquêtes auprès de la Société canadienne des postes et du ministère des Transports du Canada à la suite des plaintes reçues sur la participation équitable et compte sur la collaboration du groupe de travail pour la recherche de solutions tangibles.

## S'ENVOLER EN FRANÇAIS

Pour sa part, la Société Air Canada fait l'objet d'une plainte de l'Association de gens de l'air du Québec (ACAG) qui allègue de nouveau, après plus de vingt ans, que les pilotes francophones désireux d'œuvrer dans l'industrie du transport aérien sont victimes de discrimination. Depuis trop longtemps, il est reproché à la Société de se soustraire à ses responsabilités à l'égard de la Partie VI de la Loi en ne fournissant pas les données complètes sur la première langue officielle de ses employés. Dans le cadre de son enquête, la Commissaire sollicite la collaboration du Conseil du Trésor afin d'obtenir d'Air Canada des données précises sur la répartition francophone et anglophone de ses effectifs.

## 6.8 LES EXIGENCES LINGUISTIQUES

La désignation linguistique des postes a pour objectifs d'assurer que des services de qualité comparable en français et anglais sont offerts au public et de créer un milieu de travail propice à l'utilisation des deux langues officielles. De nombreux employés considèrent que les profils des postes bilingues sont trop élevés ou pas assez, et formulent des plaintes à cet effet à la Commissaire. Des dizaines d'enquêtes ont ainsi été menées cette année afin de répondre à une centaine de plaintes. La plupart de ces plaintes se sont avérées fondées. En voici un exemple.



Figure 8 (suite)

Institution	Total	Francophones	Anglophones	Inconnus
Office national de l'énergie	255	34	13,3 %	221
Office national du film	447	280	62,6 %	167
Patrimoine canadien	4 848	1 557	32,1 %	3 291
Pêches et Océans Canada	9 260	2 026	21,9 %	7 234
Pétrole et gaz des Indiens du Canada	63	1	1,6 %	62
Ressources naturelles Canada	3 908	1 175	30,1 %	2 733
Santé Canada	5 641	1 396	24,7 %	4 245
Secrétariat de l'ALENA - section canadienne	6	3	50,0 %	3
Secrétariat des conférences intergouvernementales canadiennes	19	16	84,2 %	3
Service correctionnel Canada	14 032	4 311	30,7 %	9 721
Société canadienne des postes	54 769	12 917	23,6 %	41 852
Société canadienne d'hypothèques et de logement	1 794	599	33,4 %	1 192
Société de développement du Cap-Breton	1 657	3	0,2 %	1 654
Société d'assurance-dépôts du Canada	92	30	32,6 %	62
Société d'expansion du Cap-Breton	55	3	5,5 %	52
Société du crédit agricole Canada	914	206	22,5 %	708
Société du Port de Halifax	56	2	3,6 %	54
Société du Port de Montréal	337	322	95,5 %	15
Société du Port de Prince Rupert	15	0	0,0 %	15
Société du Port de Saint-John's	25	2	8,0 %	23
Société du Port de St. John's	14	0	0,0 %	14
Société du Port de Québec	47	47	100,0 %	0
Société du Port de Vancouver	157	2	1,3 %	155
Société du Vieux-Port de Montréal incorporée	187	181	96,8 %	6
Société immobilière du Canada Limitée	97	20	20,6 %	77
Société pour l'expansion des exportations	767	222	28,9 %	545
Société Radio-Canada	7 839	3 470	44,3 %	4 369
Colliciteur général Canada	199	64	32,2 %	135
Musique Canada	5 069	2 084	41,1 %	2 985
Table ronde nationale sur l'environnement et l'économie	19	8	42,1 %	11
éléfilm Canada	137	85	62,0 %	52
Transports Canada	4 117	1 078	26,2 %	3 039
Travaux publics et Services gouvernementaux Canada	10 693	4 641	43,4 %	6 052
Tribunal de la concurrence	7	4	57,1 %	3
Tribunal canadien du commerce extérieur	73	44	60,3 %	29
VA Rail Canada Inc.	3 238	1 256	38,8 %	1 982
404 008				
109 312				
27,0 %				
283 024				
70,0 %				
11 762				
2,9 %				

Figure 8 (suite)

Institution	Total	Francophones	Anglophones	Inconnus
Conseil d'examen du prix des médicaments brevetés	29	10	34,5 %	19
Conseil de recherches en sciences naturelles et en génie	223	105	47,1 %	118
Conseil de recherches médicales du Canada	89	34	38,2 %	55
Conseil des arts du Canada	135	66	48,9 %	69
Conseil du Trésor du Canada (Secrétariat)	630	271	43 %	359
Conseil national de commercialisation des produits agricoles	8	4	50,0 %	4
Conseil national de recherches Canada	3 261	870	26,7 %	2 289
Construction de Défense Canada	219	41	18,7 %	178
Corporation commerciale canadienne	87	25	28,7 %	62
Corporation de gestion de la voie maritime du Saint-Laurent	623	249	40,0 %	374
Cour canadienne de l'impôt	112	71	63,4 %	41
Cour fédérale du Canada	386	187	48,4 %	199
Cour suprême du Canada	118	65	55,1 %	53
Défense nationale	59 658	16 496	27,7 %	43 162
Défense nationale (personnel civil seulement)	17 210	3 399	19,8 %	13 811
Développement des ressources humaines Canada	20 469	6 674	32,6 %	13 795
Développement économique Canada pour les régions du Québec	229	224	97,8 %	5
Diversification de l'économie de l'Ouest Canada	280	31	11,1 %	249
Energie atomique du Canada limitée	3 410	47	1,4 %	3 363
Environnement Canada	4 465	1 287	28,8 %	3 178
Fondation canadienne des relations raciales	7	2	28,6 %	5
Gendarmerie royale du Canada	15 858	3 109	19,6 %	12 680
Gendarmerie royale du Canada (personnel civil)	3 002	697	23,2 %	2 305
Industrie Canada	4 811	1 928	40,1 %	2 883
Justice Canada	2 743	1 008	36,7 %	1 735
La Corporation du pont international de la voie maritime, liée	20	4	20,0 %	16
Les Ponts Jacques Cartier et Champlain incorporée	36	35	97,2 %	1
Marine Atlantique S.C.C.	992	6	0,6 %	986
Ministère des Finances Canada	752	287	38,2 %	465
Monnaie royale canadienne	711	294	41,4 %	417
Musée canadien de la nature	132	54	40,9 %	78
Musée canadien des civilisations	512	313	61,1 %	199
Musée des beaux-arts du Canada	280	108	38,6 %	172
Musée national des sciences et de la technologie	239	109	45,6 %	130
NAV CANADA	5 516	972	17,6 %	4 544
Office de commercialisation du poisson d'eau douce	137	7	5,1 %	130
Office des transports du Canada	230	105	45,7 %	125

Institution	Total	Francophones	Anglophones	Inconnus
Bureau du secrétaire du Gouverneur général	129	74	55	42,6 %
Bureau du surintendant des institutions financières	343	85	258	75,2 %
Bureau du vérificateur général du Canada	539	217	322	59,7 %
Centre canadien de gestion	53	44	9	17,0 %
Centre canadien d'hygiène et de sécurité au travail	72	9	63	87,5 %
Centre de recherches pour le développement international	272	106	166	61,0 %
Centre international des droits de la personne et du développement démocratique	26	19	7	26,9 %
Centre national des arts (Société du)	773	336	437	56,5 %
Moyenneté et Immigration Canada	3 864	1 023	2 841	73,5 %
Comité de surveillance des activités de renseignement de sécurité	14	7	7	50,0 %
Comité externe d'examen de la GRC	6	4	2	33,3 %
Commissariat aux langues officielles	112	80	32	28,6 %
Commissariats à l'information et à la protection de la vie privée	80	42	38	47,5 %
Commission canadienne de sûreté nucléaire	420	107	313	74,5 %
Commission canadienne des affaires polaires	6	2	4	66,7 %
Commission canadienne des droits de la personne	190	85	105	55,3 %
Commission canadienne des grains	685	42	643	93,9 %
Commission canadienne du blé	551	9	542	98,4 %
Commission canadienne du lait	65	36	29	44,6 %
Commission de la capitale nationale	420	238	182	43,3 %
Commission de la fonction publique du Canada	1 191	726	465	39,0 %
Commission de l'immigration et du statut de réfugié	834	319	515	61,8 %
Commission des champs de bataille nationaux	71	70	1	1,4 %
Commission des plaintes du public contre la GRC	28	13	15	53,6 %
Commission des relations de travail dans la fonction publique	38	23	15	39,5 %
Commission du droit du Canada	4	1	3	75,0 %
Commission nationale des libérations conditionnelles	258	100	158	61,2 %
Compagnie des chemins de fer nationaux du Canada	18 385	3 384	11 797	64,2 %
Compagnie des chemins de fer nationaux (filiales)	254	61	193	76,0 %
Indition féminine Canada	99	44	55	55,6 %
Norme canadienne des normes	60	16	44	73,3 %
Norme canadienne des relations industrielles	70	44	26	37,1 %
Norme de contrôle des renseignements sur les matières dangereuses	10	1	9	90,0 %
Norme de la radiodiffusion et des télécommunications	323	166	157	48,6 %
Norme de recherches en sciences humaines	132	58	74	56,1 %

Figure 8 (suite)



Figure 8 – Les données sur la participation des francophones et des anglophones au sein des institutions assujetties à la Loi sur les langues officielles (ministères et organismes fédéraux, sociétés d'État et privées,

Institution	Total	Francophones	Anglophones	Inconnus
Administration aéroportuaire de Winnipeg Inc.	122	8	6,6 %	114
Administration de l'aéroport de Calgary	136	0	0,0 %	136
Administration de l'aéroport du Grand Monton Inc.	40	9	22,5 %	31
Administration de l'aéroport international de Vancouver	313	2	0,6 %	311
Administration de l'aéroport international d'Ottawa	106	37	34,9 %	69
Administration de pilotage de l'Atlantique Canada	59	0	0,0 %	59
Administration de pilotage des Grands Lacs	85	38	44,7 %	47
Administration de pilotage des Laurentides	51	50	98,0 %	1
Administration de pilotage du Pacifique	62	1	1,6 %	61
Administration des aéroports régionaux d'Edmonton	199	8	4,0 %	191
Administration du rétablissement agricole des Prairies	333	1	0,3 %	332
Aéroports de Montréal	589	571	96,9 %	18
Affaires étrangères et Commerce international Canada	3 360	1 142	34,0 %	2 218
Affaires indiennes et du Nord Canada	2 890	560	19,4 %	2 330
Agence canadienne de développement international	1 004	608	60,6 %	396
Agence canadienne d'évaluation environnementale	81	42	51,9 %	39
Agence canadienne d'inspection des aliments	4 521	1 169	25,9 %	3 352
Agence de promotion économique du Canada atlantique	398	101	25,4 %	297
Agence de soutien du personnel des Forces canadiennes	2 861	479	16,7 %	2 382
Agence des douanes et du revenu du Canada	41 764	11 114	26,6 %	30 650
Agence spatiale canadienne	323	186	57,6 %	137
Agriculture et Agroalimentaire Canada	4 668	1 068	22,9 %	3 600
Air Canada (Société)	22 000	3 663	16,7 %	10 043
Anciens Combattants Canada	3 342	1 459	43,7 %	1 883
Archives nationales du Canada	630	241	38,3 %	389
Autorité aéroportuaire du Grand Toronto	725	0	0,0 %	725
Banque de développement du Canada	1 114	427	38,3 %	687
Banque du Canada	1 262	493	39,1 %	769
Bibliothèque nationale du Canada	431	186	43,2 %	245
Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports	203	64	31,5 %	139
Bureau de l'enquêteur correctionnel	17	9	52,9 %	8
Bureau des passeports	640	237	37,0 %	403
Bureau d'information du Canada	47	30	63,8 %	17
Bureau du Conseil privé	551	298	54,1 %	253
Bureau du Directeur général des élections	232	137	59,1 %	95

**Problème :** Certaines institutions ne semblent pas réussir à recruter leurs employés en respectant l'équité de participation entre les deux communautés de langue officielle.

**Principe :** Les institutions fédérales doivent, en toute transparence, ouvrir leurs postes aux majorités comme aux minorités et, lorsqu'il y a participation inéquitable, prendre des mesures pour attirer les groupes minoritaires.

**Action :** La Commissaire enquête sur les plaintes, encourage activement les mesures d'attraction concertées avec les communautés minoritaires et maintient ses pressions pour exiger plus de transparence de certaines institutions en matière de participation équitable.

Il importe aussi de préciser que les méthodes de sélection des employés doivent être fondées exclusivement sur le principe du mérite. Les gestionnaires ne peuvent pas fixer des quotas favorisant l'un ou l'autre des deux groupes linguistiques. Cependant, afin de respecter l'engagement du gouvernement, ils doivent prendre les mesures nécessaires pour attirer les candidats des deux communautés et faire en sorte que ces derniers puissent utiliser la langue de leur choix au cours du processus de dotation.

## ROFIL GÉNÉRAL

Le Secrétaire du Conseil du Trésor publie dans son rapport annuel sur les langues officielles une ventilation des données relatives à la participation équitable par catégorie d'emploi dans les différentes régions du pays (voir la figure 8). Sur le plan national, grâce aux importants progrès réalisés au chapitre de la participation francophone au fil des ans, les deux groupes linguistiques sont assez bien représentés dans la plupart des secteurs d'activité de l'ensemble des institutions fédérales.

Cependant, comme nous l'avons signalé à maintes reprises depuis plusieurs années, un certain nombre des situations problématiques subsistent. Elles touchent notamment au faible taux de participation anglophone au Québec dans les ministères et organismes assujettis à la Loi sur l'emploi dans la fonction publique, en dehors de la région de la capitale nationale. L'autre problème récurrent est le refus (la Société Air Canada et de la Compagnie des chemins de fer nationaux du Canada de fournir des données complètes sur la composition linguistique de leurs effectifs aux termes de la Loi.

## BON VOYAGE !

Les employés fédéraux ont fréquemment recours aux services d'une agence de voyage privée avec laquelle Travaux publics et Services gouvernementaux Canada (TPSGC) a conclu une entente. L'enquête de la Commissaire a confirmé les allégations selon lesquelles l'agence en question ne dispense pas des services de qualité en français de façon régulière. Ce problème étant de nature systémique, trois recommandations ont été transmises à TPSGC chargé d'administrer les contrats avec cette agence. Elles se résument à prendre les mesures nécessaires pour que :

- \* l'agence de voyage offre activement un service dans les deux langues officielles et que le service en français soit de qualité égale à celui offert aux employés fédéraux d'expression anglaise;
- \* les futurs contrats conclus par le gouvernement avec des agences de voyage stipulent plus clairement et de façon plus détaillée les services devant être fournis dans les deux langues officielles;

\* toute l'information figurant sur les itinéraires de voyage présentée aux employés fédéraux soit dans les deux langues officielles ou dans la langue officielle de leur choix.

En ce qui a trait à la première recommandation, les services d'appel ont été réorganisés entre les succursales d'Ottawa, de Montréal et de Halifax afin d'augmenter la capacité bilingue, et le choix de la langue a été intégré au système. Alors que la deuxième recommandation ne posait pas de problème, la troisième comportait des difficultés d'ordre technique qui pourraient être surmontées. La Commissaire surveillera de près ce dossier pour voir dans quelle mesure ses recommandations seront mises en œuvre.

## 6.7 LA PARTICIPATION ÉQUITABLE

Le principe de la participation équitable des communautés francophone et anglophone au sein des institutions s'inscrit dans la Partie VI de Loi sur les langues officielles. Son application vise à assurer que les francophones et les anglophones accèdent dans la fonction publique et qu'ils ont des chances égales d'emploi et d'avancement.

Pour atteindre ces objectifs, les gestionnaires doivent tenir compte des circonstances particulières dans chacun des secteurs de l'administration aux niveaux national, régional, hiérarchique et professionnel.



## 6. LA LANGUE DE TRAVAIL : A-T-ON VRAIMENT LE CHOIX ?

La question reste toujours pertinente : dans les régions désignées bilingues aux fins de la langue de travail, est-il possible pour un employé de travailler dans la langue de son choix ? Les multiples plaintes à cet égard illustrent amplement que non. Vingt-sept institutions fédérales ont fait l'objet d'enquête ; la part de la Commissaire. En voici quelques exemples.

**Problème :** Des employés fédéraux dans des régions désignées bilingues aux fins de la langue de travail se plaignent de ne pas pouvoir travailler dans la langue de leur choix.

**Principe :** En vertu de la Loi, chaque institution fédérale oeuvrant dans une région désignée doit fournir à ses employés les outils et les conditions de travail leur permettant d'exercer ce choix.

**Action :** La Commissaire enquête sur de nombreuses plaintes fondées et participe à un projet en partenariat avec le Secrétaire du Conseil du Trésor pour donner suite à la priorité que le Comité des sous-ministres responsables des langues officielles accorde à cette question.

## (OCCASION RATEE AU CONSEIL DU TRÉSOR

La Commissaire a reçu près de 200 plaintes, dont 160 ont été retenues cette année au sujet de la langue de travail. Les manquements rapportés touchent en général à l'absence, dans l'une des deux langues officielles, de sessions de formation, de réunions administratives, de services centraux, d'instruments de travail (documents, directives, avis, logiciels, contenu de sites Web, claviers d'ordinateurs normalisés), de messages électroniques, d'enregistrements de messages d'accueil, etc. La plupart des employés ayant signalé ces fautes occupent des postes dans les institutions suivantes : NAV CANADA, Société canadienne des postes, Travaux publics et Services gouvernementaux, Service correctionnel, Développement des ressources humaines, Défense nationale, Agence des douanes et Industrie Canada.

Compte tenu de ce problème persistant, la Commissaire déplore que le Secrétaire du Conseil du Trésor n'ait pas jugé bon d'interroger les employés de la fonction publique fédérale à cet effet lors du sondage qui a été effectué il y a quelques mois. La confidentialité étant assurée, il aurait été utile d'analyser les résultats sous un autre angle que celui des plaintes. Le Conseil du Trésor s'est cependant engagé à prendre en compte ces préoccupations lors du prochain sondage, engagement que la Commissaire a confirmé par écrit auprès du SCT.

**Action :**

La Commissaire est intervenue pour remédier aux plaintes et recommander la création d'un groupe de travail interministériel pour résoudre ce problème récurrent.

**S'ATTAQUER AU PROBLÈME EN ÉQUIPE INTERMINISTÉRIELLE**

Le Commissariat a instruit des plaintes concernant la traduction de l'élément générique de diverses arêtes publiques dans les adresses et d'autres documents. Depuis lors, des conventions génériques de traduction ont été établies pour rue, avenue et boulevard. Cependant, il reste de nombreuses appellations pour lesquelles rien n'est encore arrêté. Pour faire avancer ce dossier, la Commissaire favorise la mise sur pied d'un groupe de travail interministériel réunissant des représentants du Secrétariat du Conseil du Trésor, du Bureau de la traduction, d'Élections Canada, de la Société canadienne des postes, du ministère des Ressources naturelles et du Commissariat.

**911 AU NOUVEAU-BRUNSWICK**

Un projet d'uniformisation d'adresses visant l'implantation d'un système d'urgence 911 a désagréablement surpris plusieurs citoyens francophones du Nouveau-Brunswick lorsqu'ils ont reçu de la Société canadienne des postes des avis de modification d'adresse dont le libellé était en anglais seulement. Ce déni de leurs droits linguistiques a entraîné leur mobilisation. Ces résidents de localités non incorporées dans des régions rurales ont alors fait appel à la Commissaire après avoir remis à Postes Canada une pétition contenant 75 signatures.

Le ministère néo-brunswickois des Municipalités et de l'Habitation était responsable de ce programme. À la suite des représentations de la Commissaire, la Société canadienne des postes est intervenue auprès de ce ministère. Conscient du déni des droits linguistiques, il s'en est excusé auprès des personnes concernées et les a prévenues que les adresses seraient dorénavant inscrites selon leur préférence linguistique.

Afin de sensibiliser les responsables municipaux à cette question de normes d'adressage et d'éviter la répétition du problème, la Société canadienne des postes a modifié le formulaire qui devra être utilisé à l'avenir pour mener à bien des projets similaires visant la conformité des adresses.

art de certains employés. Dans une succursale de Sudbury, une citoyenne qui demandait à être servie en français s'est fait répondre sèchement : « If you want services in French, you have to get a bilingual customer in the store to translate to [sic] ou. » (« Si vous désirez des services en français, vous devez trouver un client bilingue dans le magasin qui traduira pour vous. » Notre traduction)

La Société a déjà tenté de remédier à cette situation en envoyant plusieurs appels aux exploitants des franchises. La Commissaire estime que la Société canadienne des postes doit plutôt recourir à une action concertée afin de sensibiliser les exploitants des franchises à leurs obligations linguistiques en tant que tiers.

## ENFIN, COMMENT L'INSTALLER ?

Une citoyenne qui voulait des renseignements en français sur l'installation du logiciel GENet a dû faire plusieurs appels téléphoniques à un centre d'appels devant du ministère des Travaux publics et Services gouvernementaux avant d'obtenir satisfaction.

Ce centre, un bureau d'aide de Maritime Tel situé à l'Île-du-Prince-Édouard, était accessible à l'aide d'une ligne sans frais. Étant donné son incapacité de pondre efficacement aux demandes en français, le ministère a fait en sorte que le service soit dispensé à partir d'une succursale de Bell Canada à Hull, au Québec. Les vérifications du Commissariat à ce centre de Bell Canada ont confirmé que les services étaient disponibles dans les deux langues officielles.

## 5 LES NORMES D'ADRESSAGE

L'adressage dans les deux langues officielles représente un problème systémique qui a fait l'objet de plusieurs représentations du Commissariat depuis nombre d'années. Certaines institutions, telles que la Société canadienne des postes et Elections Canada, sont fréquemment visées dans ce dossier et la Commissaire encourage la création d'un groupe de travail spécial à cet effet.

**Problème :** Récurrence de l'utilisation de la norme anglaise dans l'adressage du courrier, indifféremment de la langue des destinataires.

**Principe :** Le public a droit à un adressage conforme aux normes spécifiques à la langue de son choix.



## 6.4 LES TIERS

C'est chose courante, les gestionnaires ont recours à de tierces parties pour réaliser les programmes et activités inhérentes au mandat de leur organisme. Aux termes de la Loi sur les langues officielles, il leur incombe toutefois de veiller à ce que ces tiers fournissent les services dans les deux langues officielles. Les quelques omissions décrites ci-après offrent un aperçu de situations où la Loi n'est pas respectée.

**Problème :** Des citoyens et des citoyennes se plaignent de ne pas recevoir un service dans la langue officielle de leur choix de la part de tiers assurant la prestation des services gouvernementaux.

**Principe :** Les institutions fédérales qui délèguent la prestation de certains services à des tiers doivent s'assurer qu'ils rendent compte de leurs obligations linguistiques.

**Action :** La Commissaire incite certaines institutions fédérales à intervenir plus vigoureusement auprès des tierces parties pour qu'elles rendent compte de leurs obligations linguistiques.

## POSTES CANADA : LA LOI AU PIED DE LA LETTRE

Un citoyen vivant en situation linguistique minoritaire a moins de chance de déclarer satisfait d'avoir été servi dans la langue officielle de son choix, s'il doit faire affaire avec un préposé d'une franchise de la Société canadienne des postes. C'est qu'indiquent les plaintes formulées à l'endroit de la Société depuis plus de dix ans. Malgré les efforts de la Société pour l'améliorer, cette situation perdue et représentée toujours les deux tiers de la totalité des plaintes des utilisateurs des services de comptoires postaux de la Société.

Qu'ils soient de Prince Albert, de Penetanguishene, d'Ottawa, de Montréal ou de Beresford, des clients de Postes Canada se plaignent de l'absence d'offre active et de services en français et en anglais, de la non-disponibilité de formulaires dans l'une des deux langues officielles et parfois même d'un manque de courtoisie évident de

Victoria, Calgary, Saskatoon, Steinbach, Sudbury, Hull, Ottawa, Gaspé, Bathurst, Armouth, Summerside et St. John's. En voici quelques exemples.

**LA VAIS SERVICE AU BON NUMÉRO**

Une employée d'un Centre de ressources humaines du Canada (CRHC) de Toronto, plutôt que d'avoir recours à une collègue bilingue, a raccroché trois fois la ligne au nez à une cliente qui s'exprimait en français au téléphone en utilisant un numéro recommandé par un autre agent du ministère. Un adjoint bilingue du recteur du centre d'emploi concerné, à qui on a rapporté l'incident, a veillé à ce que la cliente soit servie en français. Le gestionnaire a rappelé les règles éditoriales de politesse à ses employés occupant des postes unilingues. Il leur a aussi demandé d'être plus attentifs à l'avenir au moment de transférer un appel à un collègue afin de respecter le choix linguistique des clients.

**POINS D'EMPLOIS POUR LES FRANCOPHONES DANS LES TÉLÉMESSAGES ?**

La plainte d'une citoyenne de l'Ontario a révélé une absence de concordance entre les offres d'emploi annoncées dans les systèmes de télémessage. Le service français de télémessage n'indiquait aucun emploi disponible, alors que l'anglais montrait 59 offres d'emploi de bureau. L'enquête du Commissariat a non seulement confirmé ce problème, mais révèle que, dans certains cas, la solution portée était, elle aussi, inéquitable. Plutôt que de corriger la situation, on conseillait aux francophones, dans un message enregistré, de se rendre au centre d'emploi le plus près de chez eux pour obtenir l'information désirée.

En décembre 1999, DRHC, région de l'Ontario, s'est engagé à corriger la situation, mais les vérifications faites par le Commissariat indiquent que le problème persiste, malgré quelques essais infructueux, dont l'assignation d'un agent bilingue pour répondre personnellement aux demandes de la clientèle de langue française. La Commissaire poursuit donc ses démarches afin que les mesures requises soient mises en place.

**LAUX GUICHETS D'EMPLOI ?**

Une situation similaire prévaut aux guichets d'emploi de DRHC. Ayant comparé le contenu des sites en français et en anglais, des clients des centres d'emploi des provinces de l'Atlantique, de l'Ontario et de l'Alberta ont constaté que les informations en français étaient incomplètes et souvent erronées. De plus, la qualité d'français laissait grandement à désirer.

Combinée aux limites d'un logiciel de traduction, cette situation est attribuable en partie au fait qu'il n'y a pas suffisamment d'employés bilingues possédant les qualifications nécessaires pour vérifier les offres d'emploi dans les deux langues. D'aut l'impossibilité pour le DRHC de corriger cette situation rapidement, la Commissaire a regroupé les plaintes du même genre afin de réévaluer ce problème dans quelque temps. Cependant, le ministère s'est engagé à trouver une solution permanente à ce problème systémique.

**Problème :** Des citoyens et citoyennes affirment que des informations gouvernementales équivalentes ne leur sont pas fournies dans les deux langues officielles.

**Principe :** Les circonstances exceptionnelles ne peuvent permettre de déroger à l'obligation de servir le public canadien dans les deux langues officielles.

**Action :** La Commissaire rappelle trop souvent aux institutions fédérales qui offrent une large gamme de services au public leurs obligations en vertu de Loi.

## BOGUE DANS LES ENVOIS MASSIFS

Les envois massifs de documents sont pratique courante pour les institutions fédérales. Dans l'exemple qui suit, les responsables de l'information ont pu constater qu'il ne suffit pas de déléguer cette tâche à des agences de publicité et aux services des postes pour s'en acquitter correctement.

À l'aube du nouveau millénaire, la crainte du bogue a été à l'origine d'une initiative du ministère de l'Industrie qui s'est soldée par des revendications justifiées de centaines de citoyens d'un peu partout au pays. Ces derniers se sont plaints d'avoir reçu le guide *Vérification à domicile du bogue du millénaire* dans une seule langue officielle, mais non celle de leur choix.

Durant l'enquête, la Commissaire a appris que plus de 10 000 personnes ont utilisé la ligne sans frais mise à la disposition des citoyens pour obtenir une version de cette publication dans la langue de leur choix parce qu'on leur en avait distribué une dans l'autre langue. Par ailleurs, plusieurs citoyens anglophones n'ont pu faire appel à cette offre en raison de la différence de typographie du message à leur intention. Il était reproduit en plus petits caractères que celui destiné aux francophones. On a invoqué le peu d'espace disponible à l'endos du guide français. Ces demandes, combinées aux nombreuses plaintes déposées au Commissariat ou directement à la Société canadienne des postes, indiquent l'ampleur de ce problème de diffusion de l'information.

## DRHC : GRAND MAIS VULNÉRABLE

Le ministère du Développement des ressources humaines du Canada (DRHC) a fait l'objet de quelque 160 plaintes portant sur l'absence de services, la plupart du temps en français, lors d'écoutes de messages enregistrés, de demandes d'information au téléphone, de réception de documents, de visites sur place, de consultations de guichets d'emploi et de sites Web. Des lacunes ont été constatées dans de nombreux points de service disséminés à travers le pays, dont ceux de



## LA PUBLICITÉ DANS LE CADRE DES ENTENTES BILATÉRALES LIÉES À L'EMPLOI

Puisque la portée de ses activités est considérable, le ministère du Développement des ressources humaines du Canada (DRHC) est visé par plusieurs manquements à la Loi lors de la diffusion d'informations liées à la formation de main-d'œuvre. De l'Atlantique au Pacifique, une quarantaine de plaintes fondées ont été attribuées. Lors de l'instruction des plaintes visant cette institution, on a invoqué la complexité des transformations gouvernementales pour tenter de justifier les lacunes signalées. Pour les citoyens lésés, comme pour la Commissaire, cette complexité ne justifie pas que l'on déroge aux obligations linguistiques.

## OBLIGATIONS D'ÉPARGNE... ET OBLIGATIONS LINGUISTIQUES

Une enquête portant sur plus de 20 plaintes, par suite de la diffusion d'informations sur l'émission des obligations d'épargne et des obligations à prime du Canada a permis à la Commissaire d'inciter Placements Épargne Canada (PEC), qui agit au nom du ministère des Finances, à revoir son plan de communication annuel. Selon les allégations, malgré une entente commerciale, les propriétaires de journaux desservant les communautés de langue française en situation minoritaire ont été privés d'une partie de la publicité de PEC relative aux changements de taux d'intérêt évaluant sur le marché.

Les gestionnaires de l'organisme mis en cause ont accepté la suggestion de la Commissaire d'acheter des espaces publicitaires pour des parutions additionnelles dans les publications destinées aux communautés francophones. Ils se sont aussi engagés, en début de campagne, à produire un prêt à photographier sans taux, en de pouvoir diffuser l'information de base au groupe visé, lorsque les bouleversements des marchés financiers l'exigent.

## COMMENT SERVIR LE PUBLIC ?

Les services gouvernementaux sont multiples et engagent des opérations très complexes. Le respect intégral des droits linguistiques des citoyennes et des citoyens en paie souvent le prix. Mais la Commissaire veille à ce que les interventions à la Loi rapportées dans les plaintes soient rapidement corrigées. Voici quelques exemples de problèmes soulevés et des solutions qui ont été apportées.

de leur caractère minoritaire, certaines communautés comptent sur des hebdomadaires ou des médias régionaux pour s'informer. Ces moyens d'information doivent en conséquence être visés par les stratégies de communication fédérales. Le nombre de plaintes reçues à cet effet démontre une inertie inacceptable de la part des institutions fédérales.

**Problème :** Certaines annonces gouvernementales sont uniquement publiées dans la presse dominante et ne parviennent pas aux communautés minoritaires de langue officielle qui ont leurs propres médias.

**Principe :** Les institutions fédérales doivent adopter des stratégies de communication qui incluent, lorsque la Loi l'exige, le recours aux médias des communautés minoritaires.

**Action :** La Commissaire incite les institutions fédérales à recourir systématiquement aux médias des communautés minoritaires et compte publier un rapport spécial sur la question des annonces publicitaires dans la presse.

## UN CONSTAT DÉSOLANT

Le Commissariat a encore reçu plusieurs plaintes dénonçant le fait qu'on ait recours uniquement à la presse dominante dans diverses régions du pays et ce, sans contrepartie pour les publications dont le lectorat est composé des communautés de langue officielle vivant en situation minoritaire. Les quelque 300 cas regroupés dans cette catégorie représentent le cinquième des plaintes recevables.

Même si plusieurs gestionnaires, lorsqu'ils sont mis au courant de lacunes précises, s'efforcent d'apporter les mesures correctives nécessaires afin de se conformer aux exigences de la Loi, force est de constater qu'une certaine inertie prévaut dans ce domaine. Parmi les exemples illustrant ces manquements, soulignons qu'à elle seule la Société Air Canada s'en est vu attribuer environ 70. Face à ce problème systémique, la Commissaire compte mener une enquête approfondie et publier un rapport spécial en 2001 sur la question des annonces publicitaires dans les journaux. Voici quelques exemples plus précis de plaintes traitées.

aut surtout signaler les bénéfices qu'elles procurent quant à la satisfaction des citoyennes et des citoyens d'être servis dans leur langue. Et c'est sans compter le nombre croissant de jeunes Canadiens et Canadiennes qui sont bilingues à l'heure de l'économie du savoir et de la mondialisation des échanges. D'ailleurs, un sondage récent réalisé par *Réalités canadiennes* (septembre 1998) démontre que les deux tiers des Canadiens appuient la dualité linguistique de notre pays et valorisent l'apprentissage des deux langues officielles chez les jeunes.

## LES UNILINGUES SONT-ILS EXCLUS DE LA FONCTION PUBLIQUE FÉDÉRALE ?

D'aucuns ont affirmé que les unilingues anglophones font l'objet de discrimination dans la fonction publique fédérale parce que les emplois et les promotions des employés y sont soumis à des critères de bilinguisme.

La Commissaire a rappelé que la *Loi sur les langues officielles* reconnaît la présence de deux communautés linguistiques au Canada et qu'elle vise à ce que chacune puisse recevoir des services gouvernementaux dans sa langue. Il en découle qu'une certaine partie des postes de la fonction publique fédérale (33 p. 100) sont désignés bilingues à divers degrés. Par ailleurs, 55 p. 100 des postes ont désignés français ou anglais essentiel, 6 p. 100 sont désignés français essentiel et 4 p. 100 accessibles aux unilingues anglophones sans qu'ils aient à apprendre l'autre langue officielle. De plus, une personne unilingue peut être candidate à plusieurs postes désignés bilingues dans la mesure où elle accepte d'apprendre l'autre langue officielle selon un échéancier déterminé, en s'appuyant sur les ressources qui lui sont fournies par la Commission de la fonction publique. D'ailleurs, la Commissaire rappelle que les capacités bilingues constituent un atout pour tout employé et que la fonction publique les reconnaît comme des compétences professionnelles qui ne substituent pas, mais s'ajoutent aux autres compétences professionnelles des employés.

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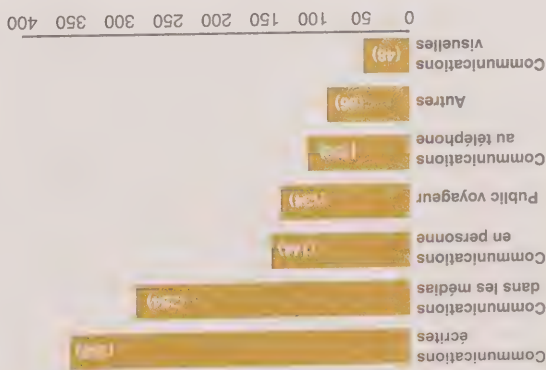
Dans les sections qui suivent, nous illustrons la nature et la portée des plaintes qu'on a à partir d'exemples significatifs qui révèlent des problèmes systémiques, des lacunes de parcours, des méconnaissances de la *Loi* ou encore certains effets négatifs des transformations gouvernementales.

## 2 LES MÉDIAS DES COMMUNAUTÉS MINORITAIRES LAISSÉS POUR COMPTE

Les responsables des communications dans les institutions fédérales ont, conformément à la *Loi*, l'obligation d'informer les deux communautés de l'Agence officielle des activités et programmes de leur organisme. Compte tenu



Figure 6 - Le service au public : les 1 154 plaintes recevables



Ce bref bilan nous indique que même après trente ans, il reste bien du chemin à parcourir avant que nous puissions parler d'un progrès réel dans tous les domaines d'application de la *Loi sur les langues officielles*.

## L'OPINION DES LECTEURS ET DES LECTRICES : MIROIR DU GRAND PUBLIC

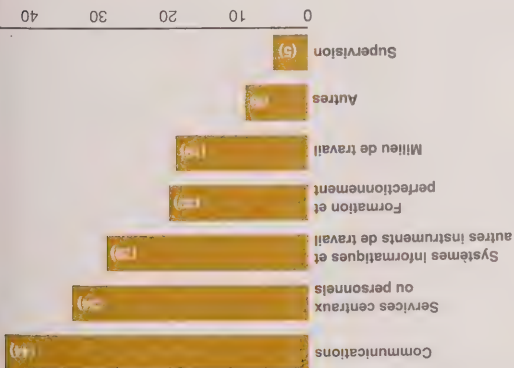
La question des langues officielles fait occasionnellement l'objet de lettres qui paraissent dans la presse. La Commissaire se charge alors d'éclairer les intéressés au regard des principes et de la réalité de la dualité linguistique canadienne. Plusieurs des questions qui ont été soulevées cette année touchent des enjeux traités dans ce rapport : la décision de la Cour suprême en faveur des parents francophones de Summerside, le bilinguisme dans le contexte de la fusion municipale dans la région d'Ottawa, l'Hôpital Montfort, etc. Nous présentons ici quelques exemples des autres préoccupations qui ont été exprimées dans les lettres des lecteurs et lectrices.

### LES LANGUES OFFICIELLES, UN INVESTISSEMENT

Certains sont allés jusqu'à suggérer que les langues officielles coûtent aux Canadiennes et aux Canadiens près de 50 milliards de dollars annuellement et que c'est là le principal facteur de la dette nationale. La Commissaire a informé le public que, selon les données officielles, en 1997-1998, le gouvernement fédéral a consacré environ 439 millions de dollars à des programmes liés aux langues officielles, soit moins de 1 p. 100 de ses dépenses. Ces coûts incluent les services de traduction, de formation linguistique, les primes au bilinguisme et les transferts aux provinces en matière d'éducation dans la langue officielle de la minorité et l'enseignement de la langue seconde.

Ces dépenses sont justifiées du point de vue des obligations prescrites par la *Charte canadienne des droits et libertés* et la *Loi sur les langues officielles*. Mais il

Figure 7 - La langue de travail : les 160 plaintes recevables, par catégorie



ure 5 - Les institutions touchées par plus de 15 plaintes et la répartition linguistique des plaignants

INSTITUTION	Plaintes		Enquêtes				
	fondées	non fondées	complétées	en cours	francophones %	anglophones %	
Ministère des ressources naturelles Canada	161	102	12	114	47	148	92
Agence Canada	154	16	3	18	136	114	74
Agence de la justice	147	39	9	35	112	145	99
Agence canadienne des postes	119	75	14	91	28	88	74
Régulation Canada	69	60	5	61	8	56	81
Commissariat du Canada	52	27	7	29	23	42	81
Système correctionnel du Canada	50	24	9	33	17	32	64
Vale Canada Inc.	49	15	0	15	34	15	31
Travaux publics et Services gouvernementaux Canada	38	29	4	30	8	32	84
Projet canadien	36	22	3	22	14	32	89
Pays et Océans Canada	36	17	11	30	6	29	81
Développement nationale	36	19	7	23	13	32	89
National CANADA	30	20	10	29	1	30	100
Aliments étrangers et Commerce international	29	12	1	16	13	28	97
Agence de l'agriculture et Agroalimentaire	27	19	1	20	7	27	100
Agence des douanes et du revenu Canada	27	12	2	14	13	25	93
Pharmacie Épargne Canada	27	26	1	26	1	26	96
Commission de l'immigration	24	15	2	15	9	21	88
Parcs Canada	23	15	4	20	3	18	78
Forêts Canada	20	6	2	10	10	16	80
Société Radio-Canada	18	8	5	13	5	17	94
Ministère de la Justice	15	7	4	11	4	14	93
TOTAL	1 187	585	116	675	512	987	83,2
							200
							16,8

Figure 3 - Secteurs visés par les 1 478 plaintes recevables

Total	1 478	100 %
Avis	30	2 %
Exigences linguistiques	74	5 %
Langue de travail	160	11 %
Promotion	15	1 %
Service au public	1 154	78 %
Autres	45	3 %

entre une vingtaine d'institutions. Un peu plus de 80 institutions se partagent l'autre tiers (voir la figure 5). Sauf exception, la liste des institutions ayant fait l'objet du plus grand nombre de plaintes varie peu d'une année à l'autre. Les changements en la matière sont dus à la nature même de certaines de leurs activités. La figure 7 porte sur la répartition des plaintes par région, alors que les figures 6 et 7 indiquent la répartition des plaintes par catégorie.

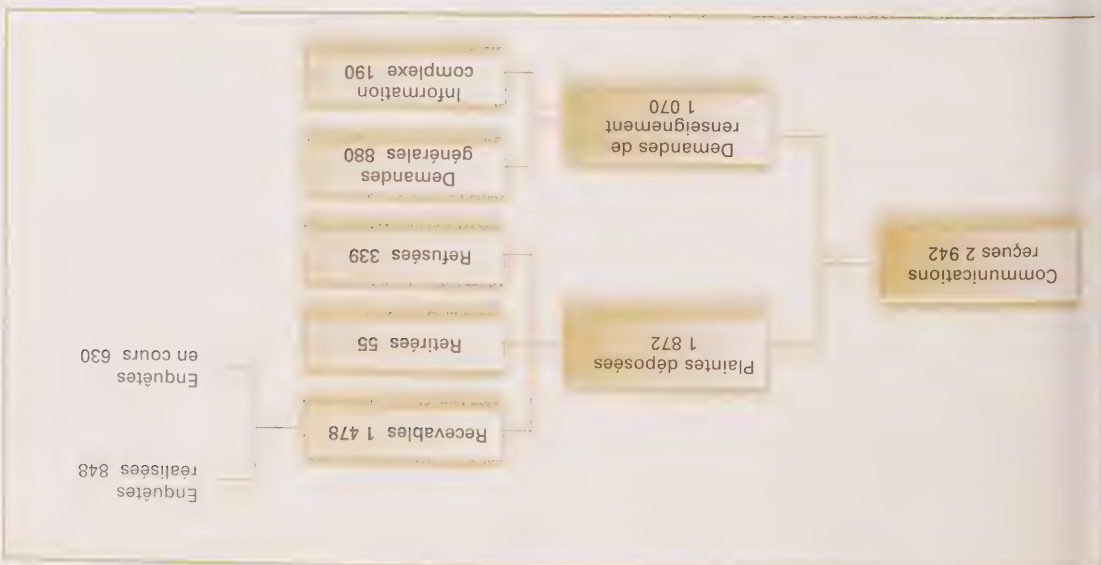
Figure 4 - La répartition, par région, des 1 872 plaintes déposées

Région	TRAITEMENT					NATURE DES PLAINTES RECEVABLES				
	Plaintes déposées	Refusées/Retirées	Recevables	Avis	Service au public	Langue de travail	Promotion	Exigences linguistiques	Autres	Demandes de renseignements
Terre-Neuve/Labrador	20	2	18	0	16	0	0	2	0	1
Ile-du-Prince-Édouard	79	12	67	1	62	0	2	1	1	4
Nouvelle-Écosse	123	32	91	5	79	5	0	0	2	4
Nouveau-Brunswick	158	27	131	2	94	17	1	14	3	8
Québec <sup>1</sup>	217	81	136	1	93	21	0	4	17	48
RCN (Québec)	67	20	47	0	20	23	1	2	1	10
RCN (Ontario)	515	100	415	1	287	85	5	22	15	58
Ontario <sup>1</sup>	338	68	270	1	258	8	1	1	1	29
Manitoba	78	16	62	1	32	0	1	27	1	4
Saskatchewan	53	3	50	9	39	0	2	0	0	7
Alberta	112	12	100	5	92	0	0	0	3	6
Colombie-Britannique	83	18	65	1	61	1	0	1	1	8
Yukon	12	0	12	1	11	0	0	0	0	2
Territoires du Nord-Ouest	3	0	3	2	1	0	0	0	0	0
Étranger	14	3	11	0	9	0	2	0	0	1
TOTAL	1 872	394	1 478	30	1 154	160	15	74	45	190

<sup>1</sup> Excluant la région de la capitale nationale (RCN).



Figure 1 – Communications



Compte tenu de la concentration des populations, 60 p. 100 des manquements qui ont été rapportés ont pour lieu d'origine le centre du pays : l'Ontario, le Québec et la région de la capitale nationale (voir la figure 2).

Près de 80 p. 100 des incidents portés à

attention de la

commission sont

additionnellement liés au

secteur des services au

public. L'autre type de

plainte fréquente

concerne le non-respect

des droits linguistiques

des employés dans leur

milieu de travail (voir la

figure 3).

Bien qu'une certaine

institutions fédérales

visées, les deux

ers de toutes les plaintes

recevables, soit environ

200, sont réparties

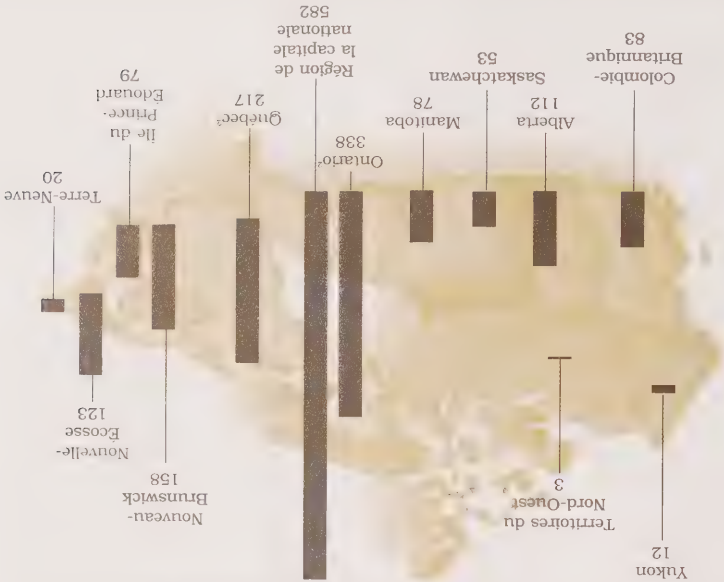


Figure 2 – La répartition, par province et territoire, des 1 872 plaintes déposées

Ce nombre inclut aussi 14 plaintes touchant des services dispensés à l'étranger ainsi que 582 plaintes dans la région de la capitale nationale, dont 515 du côté de l'Ontario et 67 du côté du Québec.

Ces nombres excluent ceux de la région de la capitale nationale.

**Presse des communautés minoritaires.** Bien que le gouvernement fédéral soit tenu d'informer l'ensemble du public en recourant notamment aux médias lus par les communautés minoritaires, il contrevient fréquemment à cette obligation.

**Service au public.** Il ne peut y avoir d'exception dans l'application de la Loi sur les langues officielles. Plusieurs institutions fédérales qui invoquent des circonstances atténuantes se le font rappeler par la Commissaire.

**Tiers.** Les institutions fédérales doivent s'assurer que les tiers qui les relaient dans la prestation des services respectent les droits linguistiques de la clientèle.

**Normes d'adressage.** Certains services gouvernementaux semblent oublier qu'une adresse peut être en français ou en anglais.

**Langue de travail.** Les employés du gouvernement fédéral peuvent-ils, tel que prévu par la Loi pour les régions désignées, travailler dans la langue officielle de leur choix ?

**Participation équitable.** Même si elle s'est de beaucoup améliorée, la participation des membres des deux communautés de langue officielle au sein de la fonction publique fédérale continue de poser des problèmes.

**Exigences linguistiques.** Plusieurs plaintes visent les exigences linguistiques attribuées à certains postes.

## 6.1 PROFIL DES PLAINTES REÇUES PAR LE COMMISSARIAT

Chaque année, la Commissaire reçoit des communications de la part du public canadien préoccupé de ses droits en vertu de la Loi sur les langues officielles. Une part importante de ces communications est classée comme plaintes et, lorsque celles-ci s'avèrent recevables, les enquêteurs du Commissariat entament une procédure d'instruction. Les parties en cause sont contactées pour réunir les informations et éléments de preuve nécessaires à l'enquête. À la conclusion de celle-ci, la Commissaire peut émettre des recommandations et faire un suivi pour vérifier leur mise en œuvre. En marge du mécanisme des plaintes, la Commissaire surveille aussi avec vigilance ce qui se dit dans la presse canadienne au sujet des langues officielles.

## LES COMMUNICATIONS REÇUES AU COMMISSARIAT

Le Commissariat a reçu pour la période du présent rapport quelque 3 000 communications, dont environ 1 800 plaintes et des centaines de demandes de renseignements relatifs aux enquêtes. Un nombre considérable de plaintes (1 478) ont été jugées recevables et ont donné lieu à des enquêtes (voir la figure 1).

# CE QUI PRÉOCCUPE LES CANADIENNES ET LES CANADIENS

RAPPORT ANNUEL

## Chapitre 6

UN DES RÔLES DE LA COMMISSAIRE EST DE RECEVOIR LES  
PLAINTES ET LES DEMANDES DE RENSEIGNEMENTS DU PUBLIC  
CANADIEN RELATIVEMENT À LA LOI SUR LES LANGUES OFFICIELLES.  
CES COMMUNICATIONS SONT ESSENTIELLES À LA POURSUITE DE

SES DÉMARCHES AUPRÈS DES INSTITUTIONS FÉDÉRALES QUI NE RESPECTENT PAS  
LEURS OBLIGATIONS À L'ÉGARD DE LA DUALITÉ LINGUISTIQUE CANADIENNE. LES  
TÉMOIGNAGES DES CITOYENS ET CITOYENNES QUI EXPRIMENT AINSI LEURS  
PRÉOCCUPATIONS SERVENT AUSSI DE BAROMÈTRE POUR MESURER L'ÉVOLUTION  
DES GRANDS DOSSIERS SUIVIS PAR LA COMMISSAIRE.

DANS CE CHAPITRE, NOUS PRÉSENTONS UN PROFIL STATISTIQUE DES  
PRÉOCCUPATIONS EXPRIMÉES PAR LES CANADIENNES ET LES CANADIENS AUPRÈS  
DE LA COMMISSAIRE ET EN DÉGAGEONS LES GRANDES TENDANCES. NOUS AVONS  
AUSSI SÉLECTIONNÉ SEPT THÈMES RÉCURRENTS QUI ILLUSTRENT LES  
DIFFICULTÉS AUXQUELLES FAIT FACE LE PUBLIC SOUCIEUX DE SES DROITS  
LINGUISTIQUES. DES EXEMPLES SIGNIFICATIFS ILLUSTRENT CHAQUE THÈME.

### PROFIL DES PLAINTES. LE COMMISSAIRE A ENREGISTRÉ QUELQUE

3 000 COMMUNICATIONS, DONT 1 800 PLAINTES. UN GRAND NOMBRE DE CES  
PLAINTES SONT ACTUELLEMENT EN COURS D'ENQUÊTE. PAR AILLEURS, LES  
LETTRES PUBLIÉES DANS LES JOURNAUX SONT LUES ET INTERPRÉTÉES PAR LA  
COMMISSAIRE COMME UN MIROIR DES PRÉOCCUPATIONS DES CANADIENS ET DES  
CANADIENNES.





La Commissaire se réjouit que les studios aient promptement accepté de intégrer la version française sur les DVD distribués au Canada et au Québec. On constate de nouveau, la vigilance est de rigueur afin que l'utilisation croissante des nouvelles technologies dans la société canadienne ne se fasse pas au détriment de la dualité linguistique canadienne.

## CONCLUSION

La venue d'Internet et celle des nouvelles technologies de l'information et de la communication transforment le paysage télévisuel, celui de l'information et celui de l'industrie du divertissement. La Commissaire constate que, malgré leurs retombées positives, ces nouveaux outils mettent en jeu la vitalité de la dualité linguistique canadienne.

C'est pourquoi Internet en particulier est devenu l'un des dossiers qui fait l'objet de suivis rapprochés au Commissariat. Quelques études et enquêtes ont été réalisées cette année, mais il faudra s'attendre à une vigilance accrue de la part de la Commissaire dans les prochaines années. En outre, la Commissaire compte évaluer pleinement ces nouveaux médias pour promouvoir les langues officielles du Canada.

## 5.3 SUPPORT DVD : ET LA VERSION FRANÇAISE ?

La convergence de l'ensemble des moyens de communications vers le mode numérique favorisera l'avènement d'un monde aux interactions instantanées et planétaires. Couplée à la mondialisation de l'économie et du

divertissement qui favorisent l'anglais, cette tendance va continuer d'ébranler le fragile équilibre de la dualité linguistique au Canada. L'exemple récent de la distribution des films sur disque numérique polyvalent (DVD) illustre le danger qui nous guette.

**Problème :** Les nouveaux supports DVD gagnent en popularité, mais omettent parfois la version française des films présentés.

**Principe :** Le Canada doit intervenir pour que les produits culturels destinés au marché canadien offrent une version française lorsque cela est possible.

**Action :** La Commissaire a obtenu de la ministre du Patrimoine canadien qu'elle intervienne auprès des grands distributeurs de films sur DVD et ces derniers ont accepté de réintégrer les versions françaises.

Le support DVD est de plus en plus courant dans la distribution des films en Amérique du Nord. Le DVD permet de présenter des films en plusieurs versions (anglaise, française, espagnole, etc.). La Commissaire a donné suite aux plaintes reçues au sujet de l'absence de version française dans les DVD distribués au Canada. L'enquête réalisée par le Commissariat révèle en effet que certains studios tels que Columbia/Tristan, Miramax et Dreamworks ont décidé de ne plus inclure version française sur leurs DVD destinés au marché nord-américain.

La Commissaire a saisi la ministre du Patrimoine canadien de cette entrave au principe de la dualité linguistique canadienne. Le problème est important car les films en version DVD sont de plus en plus populaires, remplaçant progressivement les vidéos traditionnelles. Actuellement, quatre des six titres les plus vendus au Canada n'offrent pas de version française. L'absence de version française nuit au rayonnement de la langue française au Canada. La Commissaire a donc demandé que le gouvernement canadien intervienne vigoureusement auprès des studios concernés pour corriger cette situation.



individus ayant une connaissance des deux langues officielles, plutôt que le français comme langue maternelle, dans la zone de desserte du câblodistributeur. En second lieu, elle propose qu'au moins une chaîne sur dix parmi les nouvelles chaînes numériques spécialisées qui seront offertes aux Canadiennes et aux Canadiens soit de langue française. La Commissaire se félicite de ces pas dans la bonne direction.

Le gouvernement du Canada a par ailleurs demandé au CRTC de déposer, avant le 31 décembre 2000, un rapport sur l'offre de services télévisuels de langue anglaise hors Québec. Dans le contexte de cet exercice, la Commissaire réitérera l'importance, pour le développement des communautés de langue officielle, d'accroître l'offre de services télévisuels en français hors Québec.

## FO, TVA...

En octobre 1999, TVOntario (TVO) déposait devant le CRTC une demande pour la distribution obligatoire de son service de programmation de télévision éducative en langue française (TFO) au Québec, sur un volet analogique facultatif. La Commissaire a écrit au CRTC afin d'appuyer la démarche de TVO. Le CRTC a toutefois rejeté la demande en évoquant que cet ajout d'un canal éducatif payant serait taxé indûment les téléspectateurs du Québec qui paient et reçoivent déjà le service éducatif de Télé-Québec.

Par ailleurs, la Commissaire a appuyé par lettre la demande du réseau francophone TVA de devenir un réseau national à distribution obligatoire dans l'ensemble du Canada. Elle a donc applaudi à la décision du CRTC, en 1999, d'attribuer ce statut à TVA. La Commissaire reste vigilante quant aux engagements pris par TVA en ce qui concerne les communautés francophones du Canada car ils ne sont pas encore réalisés.

## I. CHAMBRE DES COMMUNES SUR NOS ÉCRANS

Des Canadiennes et des Canadiens se sont plaints du fait qu'ils n'ont pas accès aux travaux de la Chambre des communes dans la langue officielle de leur choix. La Chambre des communes transmet en direct à la Chaîne d'affaires publiques par câble (CPAC) un signal vidéo et trois signaux audio (l'un en anglais, l'autre en français et un troisième – une version directe – dans la langue utilisée par le parlementaire) des débats et travaux de la Chambre. CPAC distribue ces signaux par satellite aux entreprises de câblodistribution partout au Canada.

Les câblodistributeurs, quant à eux, ne choisissent souvent qu'une de ces trois options audio, privant de nombreux citoyens et citoyennes de cet outil, symbole d'une saine démocratie. Ces plaintes soulèvent un problème important, et une enquête est en cours afin de déterminer si la Chambre des communes a l'obligation d'offrir à ce que ses débats télévisés soient accessibles dans les deux langues officielles. Les résultats seront connus au cours de l'année prochaine.

**Principe :** Le CRTC doit favoriser le développement des minorités francophones en élargissant la définition de marché bilingue et en garantissant des blocs de services télévisuels adéquats dans les deux langues officielles.

**Action :** La Commissaire est intervenue auprès du CRTC dans sa revue de la définition des marchés bilingues, pour la diffusion obligatoire de TVA et en faveur de la diffusion de TFO au Québec. Elle enquête par ailleurs concernant l'accessibilité de la Chaîne d'affaires publiques par câble (CPAC) dans les deux langues officielles.

## LE COMMISSARIAT DEVANT LE CRTC

Le Commissaire Goldbloom a répondu à l'appel d'observations du Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) relativement aux règles d'accès aux services spécialisés et de télévision payante dans les marchés bilingues. Il a fait valoir l'importance de redéfinir la notion de marché bilingue, qui désigne les régions où les cablodistributeurs sont contraints par le CRTC à offrir des services télévisuels dans les deux langues officielles.

Le Commissaire a proposé de retenir le nombre ou la proportion des locuteurs de langue française, par opposition aux individus de langue maternelle française, afin de saisir le bassin complet des consommateurs potentiels de services télévisuels en français. Avec l'accroissement rapide du bilinguisme, l'utilisation du nombre de locuteurs favorisera une offre de services plus adéquate. Les recensements de Statistique Canada fournissent des données sur les locuteurs.

Le Commissaire a par ailleurs attiré l'attention du CRTC sur le fait que la multiplication des canaux offerts réduit significativement la proportion des services de langue française. C'est pourquoi il a proposé que le CRTC prescrive un bloc adéquat de services dans les deux langues officielles dans les marchés bilingues. Les cablodistributeurs seraient ainsi appelés à étudier la demande précise des communautés minoritaires en consultant les associations qui les représentent.

Le CRTC a tenu compte de ces recommandations et a déposé pour commentaires une proposition de politique sur la distribution télévisuelle dans les marchés bilingues qui innove sur deux plans. D'abord, elle se fonde sur le nombre

Source : Le CRTC, Rapport annuel 1994

*Langue maternelle française :*  
6,929 716  
8,920 890

LANGUE MATERNELLE  
FRANÇAISE CONTRE  
LOCUTEURS DU FRANÇAIS AU  
CANADA

À la demande de la Commissaire, le gouvernement a répondu promptement à ses recommandations en s'engageant à élaborer un plan d'action cohérent accompagné d'échéanciers, de mécanismes de suivi et de rapports réguliers des progrès réalisés afin d'accroître les contenus et les services de langue française sur Internet.

Fort encourageante, cette réponse marque l'engagement du gouvernement du Canada à contribuer davantage aux contenus et aux services en français sur Internet et ce, dans l'esprit de la Partie VII de la Loi sur les langues officielles. Le Comité des sous-ministres responsables des langues officielles et le Sous-comité responsable de la gestion de l'information assumeront le rôle de suivi de cet engagement gouvernemental.

Soucieuse du suivi qui sera accordé à ce dossier, la Commissaire se réjouit que le Comité des sous-ministres ait déjà établi Internet comme l'une de ses quatre priorités stratégiques pour l'année en cours. De plus, le gouvernement s'est engagé dans son dernier budget à investir plus de 75 millions de dollars dans la modernisation des collections fédérales d'intérêt patrimonial. La ministre du Patrimoine canadien a indiqué que la moitié de cette somme serait consacrée aux collections de langue française. Ce dossier continuera d'être urgent et prioritaire dans le champ de suivi de la Commissaire au cours de la prochaine année.

## OFFICIELLES

### L'OFFRE TÉLÉVISUELLE DANS LES DEUX LANGUES

La multiplication des moyens numériques de diffusion et des services visuels tend paradoxalement à réduire la part qui est offerte à la clientèle francophone. La Commissaire réitère que la dualité linguistique doit être encouragée dans ce contexte et c'est pourquoi elle appuie l'élargissement des services en français offerts aux communautés francophones du Canada.

**Problème :** Grâce aux nouvelles technologies, l'offre télévisuelle globale s'accroît, au détriment des services offerts en français.



cours de la prochaine année dans le cadre de ses observations générales des communications du gouvernement avec le public.

# LE FRANÇAIS SUR INTERNET

**Problème :** Le déploiement principalement en anglais d'Internet fragilise la dualité linguistique canadienne.

**Principe :** Le gouvernement doit se doter d'un plan intégré d'appui au développement d'outils, de contenus et de l'accessibilité d'Internet en français, conformément à la Partie VII de la Loi.

**Action :** La Commissaire a publié une étude spéciale à cet effet et obtenu du gouvernement des engagements tangibles en conformité avec ses recommandations.

## LA LANGUE D'INTERNET

*Le français représente moins de 3 p. 100 de l'ensemble de la toile. En fait, plus de 80 p. 100 des contenus sur la toile sont en anglais, alors que seulement 10 p. 100 de la population a accès à cette langue.*

PNUD, Rapport sur le développement humain 1999

C'est un fait indéniable que l'anglais est prépondérant sur Internet, et il importe donc de veiller à ce que le français prenne une place équitable pour que la dualité linguistique du Canada soit réaffirmée. La Commissaire demande donc au gouvernement fédéral de réitérer que la dualité linguistique est l'un des principes directeurs du développement de l'infrastructure canadienne. Une stratégie cohérente doit être adoptée et des investissements ciblés doivent être consacrés à cette fin.

Pour guider le gouvernement dans une telle démarche, la Commissaire a publié une étude intitulée *Le gouvernement du Canada et le français sur Internet*. Comme le soulignait la Commissaire lors de son lancement dans le cadre du colloque Initiatives 99 à Edmundston, l'étude se veut un appel pressant pour une action sans délai et plus ciblée du gouvernement du Canada afin d'augmenter les contenus en français sur Internet. Citant le chercheur Michel Cartier, la Commissaire rappelait que « L'Internet offre l'ici et l'ailleurs; sans contenu, elle n'offre que l'ailleurs. »

L'étude a été réalisée à partir d'une revue des actions et pratiques gouvernementales actuelles, des entrevues et des groupes témoins. En tout, une quarantaine d'institutions fédérales et des spécialistes d'Internet ont été consultés. Les recommandations formulées dans l'étude visent à inciter le gouvernement à réaffirmer la dualité linguistique et à lui fournir une vitrine mondiale. Pour ce

# L'UTILISATION D'INTERNET PAR LE GOUVERNEMENT FÉDÉRAL

**Problème :** Le recours généralisé à Internet dans les services gouvernementaux se fait au détriment de l'utilisation adéquate du français.

**Principe :** Le gouvernement doit se conformer à la Loi en adoptant et en mettant en œuvre des politiques uniformes de communication, incluant Internet.

**Action :** La Commissaire a mené une étude de suivi et soumis des recommandations au Secrétaire du Conseil du Trésor.

En optant pour un usage généralisé d'Internet, le gouvernement fédéral a considérablement accru son champ de communication et s'est exposé à ce que les services qu'il offre ne soient pas de qualité égale dans les deux langues officielles. Le commissariat a en effet relevé, dans une étude de 1996, de nombreux problèmes techniques auxquels se heurtaient les francophones désireux d'utiliser les services du gouvernement offerts sur Internet. Soucieuse de mesurer les progrès accomplis de cerner les difficultés qui subsistent à ce chapitre, la Commissaire a mené une étude de suivi en 1999.

Le rapport intitulé *L'utilisation d'Internet par les institutions fédérales* révèleoureusement que ces problèmes techniques ont en grande partie été résolus, grâce notamment aux solutions techniques que le Commissaire avait proposées dans son rapport. L'étude indique surtout qu'au chapitre des langues officielles, Internet est maintenant un moyen de communication à part entière. La nature des plaintes reçues par la Commissaire au sujet d'Internet le confirme d'ailleurs : inégalité de statut du français et de l'anglais, piètre qualité du contenu en français, omission de l'information simultanément dans les deux langues.

Le problème technique qui subsiste est celui de la non-conformité des adresses gvernementales Internet avec la *Loi sur les langues officielles*. À ceci s'ajoute la qualité inférieure d'une partie de la documentation traduite et affichée sur les sites Internet du gouvernement. Enfin, il arrive que les employés fédéraux ne bénéficient pas d'une offre active de logiciels dans la langue officielle de leur choix, que l'information sur les politiques relatives à Internet ne leur soit pas fournie, et que les services de dépannage, de soutien et de formation techniques ne soient pas de qualité équivalente dans les deux langues officielles.

La Commissaire a porté ces questions à l'attention du Secrétaire du Conseil du Trésor et des institutions fédérales. Le Secrétaire a reconnu le problème et repris une étude sur ce sujet dans le cadre de l'initiative « Présentation uniforme ». Quant aux autres recommandations, la Commissaire en fera un suivi au

**Technologies numériques.** Les TIC accroissent la distribution des contenus culturels. De nouvelles avenues, comme le disque numérique polyvalent (connu sous l'acronyme anglais DVD — *Digital Video Disk*), s'offrent maintenant pour acheminer ces contenus jusque chez les consommateurs. Mais il faut être vigilant pour ne pas y perdre... son français.

## 5.1 INTERNET : VITRINE OU CHEVAL DE TROIE DE LA DUALITÉ LINGUISTIQUE CANADIENNE ?

Internet, qui relie de plus en plus les Canadiennes et les Canadiens entre eux, transforme à un rythme rapide la société canadienne et le gouvernement du Canada. Il importe que ces transformations reflètent l'égalité du français et de l'anglais stipulée dans la *Charte canadienne des droits et libertés* et tiennent compte de l'épanouissement des communautés minoritaires de langue officielle visées par la *Partie VII de la Loi sur les langues officielles*. En fait, l'enjeu majeur qui se présente aujourd'hui est, pour les francophones du Canada comme pour la francophonie partout dans le monde, de s'approprier ce puissant moyen de communication et de développer culturellement et économiquement Internet.

Le Discours du Trône 1999 affirmait que le Canada serait le premier pays du G7 à offrir, en ligne, l'ensemble de ses services aux citoyens et ce, dès 2004. Dans cette nouvelle perspective, la Commissaire estime qu'il faut redoubler d'efforts pour s'assurer de la pleine mise en œuvre de la *Loi sur les langues officielles*. La dualité linguistique doit être réelle et vivante, y compris dans l'univers virtuel. Elle a ainsi fait valoir sur plusieurs tribunes l'importance d'accroître la masse critique des contenus en français sur Internet ainsi que la contribution importante du gouvernement du Canada à cet égard.

La Commissaire a notamment prononcé un discours devant le Cercle canadien de Toronto dans lequel elle a fait état de l'influence grandissante d'Internet dans les transformations rapides de l'économie et de la culture canadiennes. Ce discours constituait un appel au gouvernement du Canada afin qu'il joue un rôle plus actif dans la promotion de l'usage du français sur Internet. Ce rôle est crucial afin qu'Internet soit un outil de promotion de la langue et de la culture françaises au Canada et dans le monde, plutôt qu'une nouvelle menace du cheval de Troie.

La Commissaire note aussi que le français sur Internet devient progressivement une question privilégiée de collaboration et de concertation des gouvernements du Canada, du Québec et du Nouveau-Brunswick.

Deux aspects de l'utilisation d'Internet ont plus particulièrement fait l'objet d'études et de recommandations au gouvernement du Canada cette année : l'utilisation d'Internet par les services gouvernementaux et la place du français sur Internet.



LES NOUVELLES  
TECHNOLOGIES DE  
L'INFORMATION ET DE  
LA COMMUNICATION

## Chapitre 5

ES NOUVELLES TECHNOLOGIES DE L'INFORMATION ET DE LA

COMMUNICATION (TIC) ONT UNE INCIDENCE PROFONDE SUR LA

PRESTATION DES SERVICES DU GOUVERNEMENT FÉDÉRAL, SUR LE

DÉVELOPPEMENT DE L'ÉCONOMIE DU SAVOIR, SUR LES

COMMUNICATIONS, BRIEF SUR LA SOCIÉTÉ CANADIENNE DE FAÇON GLOBALE. LOIN

D'ÊTRE NEUTRES, LES TECHNOLOGIES FONT APPEL À LA LANGUE, ET L'ÉQUILIBRE

FRAGILE DE LA DUALITÉ LINGUISTIQUE N'EST PAS À L'ABRI. CETTE TENDANCE

OMNIPRÉSENTE INCITE LA COMMISSAIRE À ACCORDER LA PLUS HAUTE PRIORITÉ

AU DOSSIER DES TIC. LE COMMISSAIRE A CONCENTRÉ SES EFFORTS DANS

TROIS SECTEURS À CET ÉGARD.

**INTERNET.**

IMMENSE ESPACE D'ÉCHANGE ET DE COMMERCE, INTERNET, QUI  
OFFRE 80 P. 100 DE SES CONTENUS EN ANGLAIS À L'ÉCHELLE MONDIALE.

CONSTITUE-T-IL UN CHEVAL DE TROIE QUI MENACE LA DUALITÉ LINGUISTIQUE

CANADIENNE OU PEUT-IL LUI SERVIR DE VITRINE SUR LE MONDE ? LA

COMMISSAIRE EST INTERVENUE POUR QUE LE GOUVERNEMENT AGISSE DANS CE

DERNIER SENS.

**Télédiffusion en français.**

FACE AU POISONNEMENT DES RÉSEAUX DE  
COMMUNICATION DISPONIBLES, LES SERVICES TÉLÉVISUELS DOIVENT RÉVISER

LEURS MARCHÉS, MAIS PARFOIS, COMME LE SOULIGNE LA COMMISSAIRE, LA

DUALITÉ LINGUISTIQUE EN PAYE LE PRIX.







**Tableau 1 – Résultats comparatifs de l'étude de 1994 et du suivi de 1998-1999 dans les bureaux désignés pour fournir des services dans les deux langues officielles**

	Territoires du Nord-Ouest		Yukon		Colombie-Britannique		Alberta		Saskatchewan		Manitoba		Ontario**		RCN*		Québec**		Nouveau-Brunswick		Nouvelle-Écosse		Île-du-Prince-Édouard		Terre-Neuve	
	Étude %	Suivi 1999 %	Étude %	Suivi 1996 %	Étude %	Suivi 1998 %	Étude %	Suivi 1997 %	Étude %	Suivi 1997 %	Étude %	Suivi 1996 %	Étude %	Suivi 1999 %	Étude %	Suivi 1997/1998 %	Étude %	Suivi 1999 %	Étude %	Suivi 1997 %	Étude %	Suivi 1998 %	Étude %	Suivi 1996 %	Étude %	Suivi 1996 %
ÉLÉMENT																										
Signalisation extérieure	100	93	85	56	94	92	96	90	91	100	96	100	94	100	94	92	98	100	99	98	93	98	94	80	100	94
Affichage intérieur	89	85	85	77	61	75	88	90	81	88	81	96	83	90	73	97	94	94	93	92	92	93	80	70	80	100
Documentation	-	100	75	67	73	61	91	84	73	76	87	90	88	92	100	100	98	100	91	83	96	84	79	55	100	100
Formulaires	50	-	100	86	88	80	92	94	70	74	96	85	95	100	100	100	99	100	100	90	97	100	89	80	100	100
Pictogramme	-	69	46	61	55	75	53	79	57	88	74	84	50	80	51	80	68	82	71	82	72	86	58	80	54	88
Accueil bilingue au téléphone	50	55	47	62	44	50	52	50	52	53	57	50	51	52	81	81	45	59	62	62	43	67	49	65	41	59
Accueil bilingue en personne	17	0	14	12	4	19	8	12	18	24	43	39	12	22	56	41	16	18	19	16	8	11	36	6	0	7
Service au téléphone	100	57	91	66	90	64	84	62	60	67	76	56	70	68	92	97	96	96	84	77	78	73	69	65	70	47
Service en personne	64	69	42	61	73	89	63	66	45	61	76	78	69	76	78	92	99	100	85	78	73	72	72	90	42	56
Capacité bilingue	50	50	37	48	62	80	75	60	59	38	71	63	64	66	74	92	98	92	81	77	77	60	62	72	74	50

\* Région de la capitale nationale

\*\* À l'extérieur de la région de la capitale nationale

Il faut faire respecter la Loi sur les langues officielles, mais son intervention semble de plus en plus limitée. La Commissaire pense néanmoins que le milieu sportif est disposé à favoriser des relations positives et équitables entre les deux communautés linguistiques du pays. Le prochain rapport annuel rendra compte des résultats complets de cette étude.

Du côté positif, la Commissaire se réjouit de la performance en matière de bilinguisme réalisée par les organisateurs des XIII<sup>e</sup> Jeux panaméricains qui se sont déroulées au Manitoba en 1999. Le bilan linguistique réalisé par le bureau de la Commissaire à Winnipeg révèle notamment que 2 800 des 18 000 bénévoles des Jeux étaient bilingues.

## CONCLUSION

Si la Loi sur les langues officielles marque l'engagement du gouvernement fédéral à fournir des services de qualité dans les deux langues officielles au pays, il reste que de nombreuses lacunes existent encore dans les points de service gouvernementaux, principalement à l'égard des francophones. Pourtant, le jugement de la Cour suprême dans l'affaire Beaulac a, entre autres, réitéré la portée du droit des Canadiens et des Canadiennes d'obtenir dans leur langue les services gouvernementaux.

En revanche, plusieurs progrès sont dignes de mention, notamment dans le renouvellement de la Loi sur les transports qui devrait contraindre Air Canada et ses transporteurs régionaux à respecter la Loi sur les langues officielles. Via Rail a apporté des changements longuement attendus à son service à la clientèle dans les langues officielles. Le ministère des Transports a conclu une entente avec le Commissariat pour collaborer aux enquêtes sur les plaintes de nature linguistique des aéroports.

Les enquêtes de la Commissaire dans d'autres secteurs, tels que le sport de niveau et les services de la GRC, indiquent qu'il reste encore beaucoup à faire.

## 4.6 LES SPORTS : Y A-T-IL FRANC JEU DANS LES DEUX

## LANGUES ?

La Commissaire a mis en chantier, en 1999, une étude sur l'utilisation des deux langues officielles dans le domaine du sport de haut calibre. L'étude vise à mesurer si les milieux d'entraînement subventionnés par les deniers publics permettent aux athlètes d'évoluer dans la langue officielle de leur choix.

**Problème :** Une préoccupation à l'effet que les sportifs francophones ne bénéficient pas des appuis équivalents à ceux accordés aux anglophones de la part des associations financées par les deniers publics.

**Principe :** Les athlètes des deux groupes linguistiques doivent pouvoir développer pleinement leurs talents dans le cadre du système sportif canadien.

**Action :** La Commissaire a entrepris une étude de l'utilisation des deux langues officielles dans le sport de haut calibre.

Les conclusions du Sous-comité parlementaire sur l'étude du sport au Canada ainsi que les demandes de députés fédéraux à l'issue des audiences de ce sous-comité ont incité la Commissaire à réaliser cette étude. Il était apparu à certains qu'il y avait des sportifs francophones étaient victimes de discrimination sous l'angle des services qui leur étaient offerts ainsi que des chances d'être retenus pour les équipes nationales.

L'enquête, qui a été entreprise en septembre 1999, comporte une étude en profondeur de la documentation parlementaire, gouvernementale, médiatique et associative relative aux sports. Outre des entrevues avec les responsables gouvernementaux, les chercheurs et les représentants des associations sportives, un sondage a été envoyé par la poste à un échantillon d'athlètes francophones et anglophones du Canada pour vérifier leurs attitudes, leurs valeurs et leur expérience du sport. Enfin, des visites sur le terrain auront été réalisées dans plusieurs villes canadiennes.

Les résultats préliminaires révèlent la complexité du système sportif canadien : une certaine d'intervenants nationaux, dont Sport Canada; une trentaine d'associations multi-sport; une soixantaine d'associations sportives nationales; les gouvernements provinciaux et territoriaux. Il est vrai que le gouvernement fédéral



**Problème :** En restructurant ses services, la GRC a suscité des plaintes du public francophone qui y voit une diminution des services dans sa langue.

**Principe :** Même s'il y a eu des restructurations importantes, la GRC doit continuer de respecter les exigences de la Loi.

**Action :** La Commissaire a obtenu la suspension des changements proposés et la mise en place d'un processus de concertation avec la communauté au Manitoba.

Ayant reçu plusieurs plaintes à l'endroit de la GRC, la Commissaire a mené une étude spéciale dans le corridor de la rivière Rouge au Manitoba. Le rapport d'enquête publié en juillet 1999 a validé les plaintes à l'effet que les changements majeurs dans l'organisation du détachement contrevenaient à la Loi sur les langues officielles sous les aspects de la communication avec le public (Partie IV) et de l'appui au développement des communautés minoritaires (Partie VII). La Commissaire a formulé des recommandations relatives à la suspension des changements en cours, à la révision des capacités bilingues des unités de la GRC au Manitoba et à la consultation de la communauté franco-manitobaine.

La GRC a accepté de mettre en œuvre ces recommandations. Un comité regroupant des intervenants fédéraux, provinciaux et communautaires a été créé. Des représentants du Commissariat siègent comme observateurs à ce comité. Un groupe de travail est chargé de recommander des solutions qui permettraient de mieux répondre aux besoins de la communauté. Malheureusement, la Commissaire constate que ce comité réussit difficilement à prendre son envol. Une difficulté tient au fait que les exigences de la Loi et la politique manitobaine des services de langue française ne concordent pas.

Un recours judiciaire entrepris par l'Association des juristes d'expression française du Manitoba a été suspendu, à la requête du demandeur, pour permettre que la consultation aboutisse à des solutions concrètes. La Commissaire continue de tenter un rapprochement entre la GRC et la communauté franco-manitobaine afin que le groupe de travail retrouve ses assises et puisse proposer diligemment des solutions durables et acceptables à cette situation.

**Problème :** Les plaintes faisant l'objet d'un recours judiciaire du Commissariat depuis 1991 n'ont plus d'écho dans la situation actuelle.

**Principe :** L'important est que les services de Via Rail soient offerts conformément aux obligations linguistiques de cette société.

**Action :** La Commissaire a retiré son recours judiciaire à la Cour fédérale à la suite d'une entente intervenue avec Via Rail.

Un troisième suivi, effectué à la fin de 1998 sur la disponibilité des services en français à bord des trains de Via Rail circulant dans le triangle Montréal-Ottawa-Toronto, a démontré une amélioration de la prestation des services dans les deux langues officielles sur ce parcours. La diminution des plaintes a aussi été révélatrice à cet égard.

En effet, depuis la formation du recours judiciaire en 1991 contre Via Rail, une série de mesures a contribué à corriger les manquements à la Loi sur les langues officielles. Via Rail a ainsi instauré des changements importants au sein de ses opérations en créant, notamment, un nouveau poste bilingue de directeur de service et en designant un certain nombre de postes bilingues sur ses trajets. Compte tenu de l'évolution de la situation et de l'effet des mesures prises par Via Rail, la Commissaire a décidé de retirer ses procédures judiciaires et a émis un avis de désistement à la Cour fédérale.

La mise en œuvre des engagements de Via Rail relativement à l'amélioration de ses services en français à bord des trains circulant dans ce triangle continuera toutefois d'intéresser le Commissariat.

## 4.5 EN SELLE FACE À LA GENDARMERIE ROYALE DU CANADA

La Gendarmerie royale du Canada (GRC) procède depuis 1994 à une restructuration de son organisation qui a été marquée par des fusions et des réductions des détachements, un regroupement des divisions et l'utilisation accrue de l'auto patrouille en tant que « bureau ». Ces changements n'ont pas été sans causer préjudice à l'équité du service à la clientèle dans les deux langues officielles, en particulier au Manitoba et au Nouveau-Brunswick où la Commissaire a enquêté.

le contrôle des passagers à l'embarquement et au débarquement, les annonces faites aux clients et les services au comptoir; et d) la procédure applicable à la réclamation des bagages et du fret, et les services à la clientèle.

Le piètre rendement d'Air Canada en français a suscité beaucoup d'insatisfaction dans le passé. Avec quelque 900 plaintes au cours des cinq dernières années, le Commissariat a dû entreprendre quatre recours judiciaires. Les deux premiers remontent à 1996 et touchent les services au sol de la Société à l'aéroport international de Halifax et à l'aéroport international Lester B. Pearson de Toronto. Le troisième recours est une demande de renvoi adressée à la Cour fédérale en 1997 pour déterminer l'application ou non de la Loi ou une partie de celle-ci aux liaisons d'Air Canada (Air Nova, Air Ontario, Air BC). Le quatrième recours a été éposé également en 1997, parallèlement au renvoi, et traite plus particulièrement des services en vol offerts par le transporteur régional Air Ontario. Ce recours a toutefois été, dès le début, suspendu dans l'attente d'une décision de la Cour dans le cadre du renvoi en ce qui concerne l'application ou non de la Loi aux transporteurs régionaux.

Plus récemment, compte tenu du projet de loi C-26, la Commissaire a obtenu une suspension des trois autres recours jusqu'au 30 juin 2000 pour permettre d'analyser la portée des changements qui seront apportés par la loi.

## PLAINTES À BON PORT

Toujours dans le secteur du transport aérien, le Commissariat a conclu avec Transports Canada une entente en vertu de laquelle les deux institutions collaboreront dans le règlement des plaintes liées aux expositions sur la sécurité à bord des aéronefs.

Ce dossier a suscité plusieurs plaintes par le passé et l'entente devrait à l'avenir permettre un traitement plus efficace des plaintes. La Commissaire, en sa qualité de ombudsman, reçoit les plaintes et rend compte de la suite qui leur a été donnée. Sur sa part, Transports Canada veille à l'élaboration et à la mise en œuvre de la réglementation et mène sa propre enquête sur les plaintes que lui signale le Commissariat.

La Commissaire se réjouit de ce partenariat et s'attend à ce qu'une seconde entente soit conclue prochainement avec le même ministère au sujet du contrôle de l'entrée préalable à l'embarquement.

## 41 VIA RAIL SUR LA BONNE VOIE

Via Rail a fait l'objet de plusieurs plaintes par le passé et, en 1991, un recours a été engagé par le Commissariat à cet effet. Les progrès constatés cette année ont convaincu la Commissaire de retirer ses procédures judiciaires.



<b>Principe :</b>	En tant qu'entité assujettie à la Loi sur les langues officielles (Loi), Air Canada doit être contrainte à respecter ses obligations.
<b>Action :</b>	La Commissaire est intervenue pour que la nouvelle Loi sur les transports au Canada précise la portée de la Loi dans cette industrie.

## PROJET DE LOI SUR LES TRANSPORTS AU CANADA (C-26)

La dernière année a été marquée par la restructuration de l'industrie du transport aérien. Le gouvernement du Canada a été ainsi amené à revoir la législation concernant cette industrie.

Inquiète des risques que faisait courir cette restructuration au public canadien, la Commissaire a été la première à souligner l'importance de protéger le droit du public d'être servi dans l'une ou l'autre langue officielle par les transporteurs aériens. Elle est intervenue auprès d'Air Canada, du ministre des Transports, des communautés minoritaires, du Comité permanent des transports et d'autres intervenants. Même après le dépôt du projet de loi C-26, la Commissaire est intervenue auprès du ministre des Transports pour faire clarifier les obligations linguistiques imposées aux filiales d'Air Canada.

Le projet de loi C-26 vient modifier plusieurs lois relatives au transport aérien, notamment la *Loi sur la participation publique au capital d'Air Canada* qui précise l'étendue des obligations linguistiques dans cette industrie. Il maintient que la Loi s'applique à Air Canada, mais ajoute plusieurs dispositions spécifiant les obligations linguistiques applicables aux filiales de la Société. En fait, celle-ci devra veiller à ce que les filiales dont elle possède plus de 50 p.100 des actions respectent la Partie IV de la Loi en ce qui a trait aux « services aériens, y compris les services connexes ». Les parties VIII, IX et X de la Loi relatives aux enquêtes et recours judiciaires seront également applicables dans ce contexte.

À la lecture de ce projet de loi, la Commissaire a pu constater que l'expression « services aériens » visait clairement les services en vol offerts par les filiales d'Air Canada. Elle a toutefois remarqué que la notion de « services connexes » n'était pas définie dans le projet de loi et elle a proposé au ministre des Transports de clarifier cette notion. Ainsi, les « services connexes » offerts par les filiales d'Air Canada ont par la suite été définis pour comprendre notamment : a) les services de billetterie et de réservation; b) les renseignements relatifs aux trajets et tarifs - notamment les avis et annonces - que les filiales publient ou font publier à l'attention de leurs clients; c) les services que les filiales offrent à leurs clients à l'aéroport, notamment

soit la langue officielle maternelle, soit l'autre langue officielle. Ce choix n'avait rien à voir avec le fait que l'accusé comprenne une autre langue ou qu'il soit plus à l'aise dans l'une ou l'autre des langues officielles, sinon les personnes bilingues ne pourraient plus se prévaloir de leurs droits linguistiques.

La Cour suprême s'est prononcée en faveur de l'accusé et a ordonné un nouveau procès devant un juge et un jury qui parlent les deux langues officielles. La Cour a obtenu en grande partie les arguments du Commissaire et a indiqué que les droits linguistiques « doivent dans tous les cas être interprétés en fonction de leur objet, de façon compatible avec le maintien et l'épanouissement des collectivités de langue officielle du Canada ». Plus précisément, la Cour a mentionné que l'article 530 du *Code criminel* vise à donner un accès égal aux tribunaux aux accusés qui parlent une des langues officielles afin d'aider les minorités de langue officielle à préserver leur identité. Appliquant le paragraphe 530(4) du *Code criminel*, la Cour a ensuite jugé que la « langue officielle de l'accusé » est « l'une ou l'autre langue officielle avec laquelle cette personne a des liens suffisants » de sorte que ce n'est pas forcément la langue dominante de l'accusé.

La Commissaire a accueilli cette décision avec satisfaction. C'est un nouveau cadre d'interprétation des droits linguistiques qui est fourni par ce jugement. Il agit non seulement d'une reconnaissance des droits linguistiques des accusés, mais aussi des minorités de langue officielle car le jugement précise que ces dernières ne peuvent exercer leurs droits « que si les moyens [leur] en sont fournis ». Le jugement indique que la finalité de l'ensemble des droits linguistiques est bel et bien l'épanouissement des communautés minoritaires de langue officielle et trace ainsi clairement la ligne de conduite que devrait adopter les gouvernements.

### 3. LE TRANSPORT AÉRIEN : DU CHANGEMENT DANS L'AIR !

Alors que l'industrie du transport aérien au Canada était en pleine transformation, la Commissaire est vigoureusement intervenue pour faire boutir des requêtes à la suite des plaintes concernant Air Canada depuis quelques années. En février 2000, le projet de loi sur les transports au Canada (C-26) déposé en Chambre tenait compte de l'essentiel des demandes de la Commissaire.

**Problème :** De multiples plaintes à l'endroit d'Air Canada et de ses transporteurs régionaux, qui ont fait l'objet de recommandations du Commissariat, sont restées lettre morte.

La Commissaire continuera de vérifier les progrès réalisés dans la mise en œuvre des engagements pris pour corriger les lacunes constatées. Elle intensifiera ses contacts avec les hauts fonctionnaires. Enfin, elle demandera au Secrétaire du Conseil du Trésor de jouer pleinement son rôle de surveillance de l'application des principes et des politiques sur les langues officielles auprès des institutions fédérales. Elle est d'avis qu'il a manqué de leadership à cet égard.

## 4.2 L'AFFAIRE BEAULAC : UNE INTERPRÉTATION LARGE ET LIBÉRALE DES DROITS LINGUISTIQUES

La Cour suprême du Canada a rendu son jugement dans l'affaire Beaulac et *La Reine (Colombie-Britannique)* mettant en cause l'interprétation des droits linguistiques en matière criminelle. Le jugement va dans le sens des arguments avancés par le Commissaire lors de l'audition devant la Cour suprême.

**Problème :** Un citoyen canadien n'a pu subir son procès devant un juge et un jury parlant les deux langues officielles, alors qu'il en avait fait la demande.

**Principe :** Les dispositions linguistiques du *Code criminel* du Canada doivent être interprétées de façon large et libérale en fonction de leur objet.

**Action :** Le Commissaire est intervenu dans cette affaire; il a fait valoir son interprétation des droits linguistiques de l'accusé prévus à l'article 530 du *Code criminel* et la Cour suprême a retenu une grande partie de son interprétation.

L'accusé, M. Beaulac, avait porté sa cause en appel jusqu'à la Cour suprême et évoquant que son droit à un procès devant un juge et un jury parlant les deux langues officielles lui avait été refusé notamment parce qu'il comprenait suffisamment l'anglais. Dans cette cause, le Commissaire a fait valoir que les dispositions linguistiques du *Code criminel* devaient être interprétées de façon large et libérale en fonction de leur objet, de l'objectif d'égalité des deux langues officielles et de l'évolution des droits linguistiques au Canada. Plus particulièrement au regard du droit linguistique en cause dans cette affaire, le Commissaire a indiqué qu'à son avis, « la langue officielle de l'accusé » ne devait pas être restreinte à la langue maternelle ou habituelle de l'accusé, mais devait plutôt être, au choix de l'accusé,



Il est toujours difficile d'obtenir des services en français au téléphone, ces derniers ayant même régressé depuis 1994. Par contre, pour les services en personne, la situation s'est améliorée de façon significative. On note un progrès dans la capacité globale des bureaux d'offrir des services bilingues. L'accueil dans les deux langues officielles au téléphone et en personne a également progressé mais pas encore de façon suffisamment significative dans l'ensemble.

## TRÈS BONNE SITUATION DANS L'ENSEMBLE POUR LE QUÉBEC

Dans les bureaux fédéraux désignés bilingues au Québec, la signalisation, l'affichage, la documentation et les formulaires sont généralement disponibles dans les deux langues officielles. Un peu plus de 80 p. 100 des bureaux affichent le pictogramme pour indiquer qu'ils offrent des services en français et en anglais. Les services au téléphone sont disponibles dans les deux langues officielles dans presque tous les bureaux désignés bilingues, alors que les services en personne le sont dans tous les bureaux. La capacité bilingue élevée de presque tous les bureaux désignés explique ce très bon rendement. Par contre, l'accueil bilingue au téléphone a peu progressé par rapport à la situation qui existait en 1994 et l'accueil bilingue en personne stagne sous la barre des 20 p. 100.

## MALGRÉ CERTAINS PROGRÈS, DES PROBLÈMES PERSISTENT EN ONTARIO

La signalisation, l'affichage et la documentation sont généralement dans les deux langues officielles dans les bureaux désignés pour fournir des services bilingues en Ontario. On note également que 80 p. 100 des bureaux affichent le pictogramme pour indiquer qu'ils offrent des services en français et en anglais. D'autre part, l'accueil bilingue au téléphone se fait dans un peu plus de 50 p. 100 des cas, alors que l'accueil bilingue en personne ne s'est que légèrement amélioré et est pratiqué un peu plus de deux fois sur dix. Comme dans plusieurs autres régions, on remarque que le service bilingue au téléphone est moins disponible qu'en 1994 et tandis que le service bilingue en personne s'est amélioré de façon sensible. Les gestionnaires des bureaux désignés bilingues font sans doute une utilisation plus adéquate de leurs ressources puisqu'on constate que la capacité bilingue des bureaux n'a pas beaucoup progressé.

## BILAN GLOBAL À L'ÉCHELLE NATIONALE

Ces quatre rapports concluent la ronde de suivis entamée en 1996. Dans ses 3 rapports, le Commissariat a formulé 1 368 recommandations spécifiques aux agences relevées. De plus, le Secrétariat du Conseil du Trésor a été alerté en 1998 des constats découlant des études, en particulier des problèmes systémiques existants. La Commissaire présentera un nouveau rapport de synthèse global qui mettra l'accent sur le rôle-clé des gestionnaires dans l'organisation, la répartition des ressources bilingues dans les postes stratégiques et la sensibilisation des employés au service au public.

## L'ACCUEIL BILINGUE AU TÉLÉPHONE ET EN PERSONNE

Les employés doivent accueillir le public qui téléphone ou qui se présente dans un bureau fédéral désigné bilingue dans les deux langues officielles pour signaler que le service est disponible en français et en anglais. Les rapports de suivi indiquent une légère amélioration dans l'utilisation de cette pratique, tant au téléphone qu'en personne, sauf dans les bureaux désignés des Territoires du Nord-Ouest où l'on accueille le public en anglais seulement. L'absence de l'accueil dans les deux langues officielles tant au téléphone qu'en personne ne peut que dissuader les clients d'exercer leurs droits linguistiques. Cette pratique a un effet réducteur important sur le volume de la demande de services en langue officielle de la minorité dans chaque province et territoire.

## LES SERVICES AU TÉLÉPHONE ET EN PERSONNE

Les services en personne dans les deux langues officielles se sont améliorés dans chaque région visitée. Par contre, les services dans les deux langues au téléphone ont subi un recul important dans les Territoires du Nord-Ouest et en Colombie-Britannique, alors qu'ils se sont améliorés au Québec et en Ontario.

## BILAN INQUIÉTANT DANS LES TERRITOIRES DU NORD-OUEST ET AU NUNAVUT

Les éléments matériels nécessaires à la prestation des services bilingues sont généralement en place aux Territoires du Nord-Ouest et au Nunavut : la signalisation, l'affichage et la documentation sont disponibles dans les deux langues officielles et près de sept bureaux sur dix affichent le pictogramme indiquant qu'ils offrent des services en français et en anglais. L'accueil au téléphone dans les deux bureaux désignés est demeurée inchangée. Le service en personne dans les deux langues officielles ne s'est que très légèrement amélioré, alors que le service au téléphone a subi un recul important. Le fait que les institutions fédérales aient de moins en moins recours aux services de réceptionnistes pour gérer les communications téléphoniques n'est sans doute pas étranger à ce phénomène.

## SITUATION TOUJOURS INSATISFAISANTE EN COLOMBIE-BRITANNIQUE

Les gestionnaires des bureaux fédéraux désignés bilingues en Colombie-Britannique semblent éprouver des difficultés dans la gestion des éléments matériels essentiels à la prestation des services dans les deux langues officielles. On constate en effet des déficiences sur le plan de l'affichage bilingue et de la disponibilité de la documentation et des formulaires dans les deux langues officielles. Le quart des bureaux désignés n'affichent pas encore le pictogramme pour indiquer qu'ils offrent des services en français et en anglais. D'autre part, il es

**Problème :** De nombreuses lacunes relativement au service du public dans les deux langues officielles persistent dans les points de service gouvernementaux désignés bilingues.

**Principe :** Les critères des services bilingues sont clairs : signalisation extérieure, affichage intérieur, documentation, formulaires, pictogrammes, accueil au téléphone et en personne, service au téléphone et en personne, capacité bilingue suffisante.

**Action :** La Commissaire a formulé ses recommandations aux institutions concernées et a enjoint le Secrétariat du Conseil du Trésor d'être plus vigoureux dans la surveillance de l'application de la Loi.

Au cours de la dernière année, la Commissaire aux langues officielles a complété quatre rapports de suivi traitant de la prestation des services dans les deux langues officielles de la part des bureaux fédéraux désignés bilingues dans les territoires du Nord-Ouest, en Colombie-Britannique, au Québec et en Ontario. Ces rapports provinciaux sont les quatre derniers dans le cadre du suivi de l'étude exhaustive réalisée en 1994, laquelle avait démontré que la prestation des services dans les deux langues officielles laissait beaucoup à désirer. Les résultats comparatifs de 1994 et 1999 pour l'ensemble des régions du Canada sont affichés au tableau 1 (voir à la page 60). Les résultats concernant plus spécifiquement les quatre régions à l'étude cette année démontrent que les services ne se sont pas considérablement améliorés depuis notre étude initiale, laquelle révéla de nombreuses lacunes. Ces résultats sont exposés ci-dessous.

## AFFICHAGE ET LA DOCUMENTATION

Dans l'ensemble des quatre régions, les éléments matériels nécessaires à la prestation des services dans les deux langues officielles, comme la présence de niveaux de signalisation, les affiches, la documentation et les formulaires, sont généralement disponibles dans les deux langues officielles. On remarque également la présence grandissante, dans les bureaux désignés bilingues, du pictogramme pour signaler au public la disponibilité des services dans les deux langues officielles. Compte tenu de la facilité qu'il y a à afficher un pictogramme, on serait en droit de s'attendre à ce que tous les bureaux fédéraux désignés bilingues en soient dotés.



**Affaire Beaulac.** La Cour suprême du Canada a rendu son jugement dans l'affaire Beaulac et interprété la portée du droit pour un accusé de subir son procès dans sa langue en vertu de l'article 530 du *Code criminel*.

**Transport aérien.** Au cours de la dernière année, l'industrie du transport aérien au Canada a connu de grands bouleversements. La Commissaire a saisi cette occasion pour rappeler les difficultés éprouvées par le public canadien à recevoir des services adéquats dans les deux langues officielles. Elle a ainsi cherché à obtenir de nouvelles garanties en la matière, notamment en faisant valoir ses préoccupations dans le contexte de l'adoption du projet de loi sur les transports. Sa démarche a porté fruit car le projet de loi a apporté des précisions au regard des obligations linguistiques d'Air Canada.

**Via Rail.** Compte tenu des progrès réalisés à ce jour, le recours judiciaire entrepris en 1991 contre Via Rail a été retiré par la Commissaire.

**GRC.** La Gendarmerie royale du Canada a aussi procédé à une importante restructuration administrative qui a suscité de nombreuses plaintes au sujet du non-respect de la *Loi sur les langues officielles*. La Commissaire a enquêté sur quelques problèmes spécifiques et souligne ici, à titre d'exemple, le cas du

Manitoba. (D'autres plaintes à l'endroit de la GRC sont aussi évoquées à la section 6.8.)

**Sports.** À la suite des conclusions du Sous-comité parlementaire sur l'étude du sport au Canada et à la demande de deux députés fédéraux, la Commissaire a entrepris une étude sur l'usage équitable des langues officielles dans le sport au Canada.

## 4.1 FRANÇAIS/ENGLISH AUX POINTS DE SERVICE GOUVERNEMENTAUX ?

En vertu de la *Loi sur les langues officielles*, un certain nombre de bureaux fédéraux sont désignés pour offrir des services dans les deux langues officielles. Une étude exhaustive de l'application de cette disposition a été réalisée par le Commissariat en 1994 et, depuis 1996, des études de suivi sont progressivement réalisées province par province. Cette année, les Territoires du Nord-Ouest, la Colombie Britannique, le Québec et l'Ontario ont fait l'objet d'un suivi. Au vu des résultats, la Commissaire déplore les progrès limités et les reculs dans certaines régions. Globalement, la situation reste largement insatisfaisante.

# DUALITÉ ET QUALITÉ DES SERVICES GOUVERNEMENTAUX

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## Chapitre 4

AVEC LA LOI SUR LES LANGUES OFFICIELLES, LE GOUVERNEMENT DU CANADA S'EST ENGAGÉ À FOURNIR AUX CANADIENNES ET AUX CANADIENS DES SERVICES DE QUALITÉ EN FRANÇAIS ET EN ANGLAIS. POUR CE FAIRE, IL FAUT S'ASSURER QUE LA

CAPACITÉ BILINGUE EST ADEQUATE DANS LA FONCTION PUBLIQUE FÉDÉRALE.

ENVIRON UN TIERS DES POSTES SONT DÉSIGNÉS BILINGUES AFIN D'OFFRIR LES SERVICES AU PUBLIC DANS LES DEUX LANGUES ET DE PERMETTRE AUX

EMPLOYÉS FÉDÉRAUX DE TRAVAILLER DANS LEUR LANGUE DANS LES RÉGIONS DÉSIGNÉES BILINGUES. LA COMMISSAIRE CONSTATE TOUTEFOIS QUE LA

DISTRIBUTION DES EFFECTIFS BILINGUES NE CORRESPOND PAS AUX BESOINS

REGUS DANS LES BUREAUX DÉSIGNÉS BILINGUES. PAR AILLEURS, PLUSIEURS

ORGANISMES OU SERVICES NE RELEVANT PAS DE LA FONCTION PUBLIQUE, MAIS

QUI SONT ASSUJETTIS À LA LOI, NE RÉPONDENT PAS AUX DISPOSITIONS DE

CELLE-CI. AU COURS DE CETTE ANNÉE, SIX DOSSIERS ONT PLUS

PARTICULIÈREMENT RETENU L'ATTENTION DE LA COMMISSAIRE, DONT LE SUIVI DE L'ENSEMBLE DES POINTS DE SERVICES GOUVERNEMENTAUX.

### POINTS DE SERVICES GOUVERNEMENTAUX. Le COMMISSARIAT A POURSUIVI

SON SUIVI SYSTÉMATIQUE DES BUREAUX DÉSIGNÉS POUR OFFRIR LE SERVICE

DANS LES DEUX LANGUES OFFICIELLES DANS TOUT LE PAYS AFIN D'ÉVALUER LES

PROGRÈS RÉALISÉS DEPUIS SON ÉTUDE DE 1994. LES TRANSFORMATIONS

GOUVERNEMENTALES ONT NOTAMMENT EU POUR EFFET DE RÉDUIRE LE NOMBRE

DES BUREAUX DÉSIGNÉS BILINGUES.

English  
Français



WVA



# CONCLUSION

La Constitution et la Loi sur les langues officielles accordent aux minorités des droits collectifs qui revêtent un caractère réparateur. Qu'il s'agisse de la santé, des services à la petite enfance, de l'éducation, de la culture ou de tout autre champ d'intervention des gouvernements, il y a une obligation de s'assurer que les communautés minoritaires bénéficient des mêmes droits et du même accès aux ressources que les majorités.

La Commissaire estime qu'avec les multiples précisions apportées par les arguments de la Cour suprême du Canada au cours des dernières années, la portée des droits linguistiques ne fait plus aucun doute. Il est grand temps de mettre en œuvre les moyens nécessaires afin d'assurer le développement des communautés minoritaires. Ce faisant, le gouvernement fédéral doit établir une concertation continue avec les communautés elles-mêmes, pour que leurs besoins et leurs priorités soient respectés. Il doit aussi travailler étroitement avec les gouvernements provinciaux afin de les inciter à appuyer les minorités linguistiques.

La Loi sur les langues officielles vise à mettre en œuvre les droits linguistiques garantis par la loi constitutionnelle de 1982. La réalisation de cet objectif engage, non seulement le gouvernement fédéral, mais aussi toute la société canadienne, et en particulier les gouvernements provinciaux et territoriaux. La Commissaire déplore que les communautés minoritaires doivent toujours, en l'an 2000, avoir recours aux tribunaux pour faire respecter des droits que les provinces sont engagées à mettre en œuvre en vertu de l'article 23. Tous les paliers de gouvernement doivent être persuadés de faire leur valeur centrale que constitue la dualité canadienne.

La Commissaire fait donc de la pleine mise en œuvre de la Partie VII de la Loi des principes de son mandat qu'elle aborde avec enthousiasme et vigilance.

Charte. La Commissaire a annoncé, dans sa demande d'intervention, les arguments qu'elle alléguera lors de l'audition. Ses arguments reprennent en grande partie la position que son prédécesseur avait fait valoir dans son mémoire lors de l'adoption de la Loi sur l'éducation en 1997.

Selon la Commissaire, la Loi sur l'éducation actuelle et le système qui en découle ne respectent pas l'article 23 de la Charte. Ce n'est pas la structure existante à trois niveaux de gestion (comités consultatifs des écoles, comité de district et commission provinciale) qui pose problème, mais le fait qu'à deux de ces niveaux, les parents n'aient qu'une représentation indirecte et qu'à chacun de ces niveaux, les parents ou leurs représentants ne bénéficient d'aucun pouvoir exclusif de gestion influant sur la langue et la culture de la minorité linguistique. Il revient à la province de mettre en place la structure la plus appropriée qui respecte les droits prévus à l'article 23. Au surplus, elle est d'avis que ce n'est pas parce que le gouvernement traite de façon identique la majorité et la minorité, par la dualité au sein du ministère de l'Éducation, qu'il respecte nécessairement les droits prévus à l'article 23. L'annonce de la date de l'audition n'est pas attendue avant l'autonomie 2000. Cette affaire est d'importance pour la Commissaire qui espère que la province s'engagera à respecter le principe de gestion scolaire exclusive de la minorité de langue officielle.

Par ailleurs, la Commissaire a répondu, par lettre, à l'invitation de participer aux audiences publiques du Comité spécial sur l'éducation au Nouveau-Brunswick lancée le 1<sup>er</sup> février 2000. Ces audiences visent à recueillir les commentaires du public sur le document de travail intitulé *À propos de la gouverne de l'Éducation publique*.... Dans cette lettre, elle reprend les arguments exposés ci-dessus et répond aux questions posées dans le document de travail au regard du système de gouverne actuel, des éléments d'une nouvelle structure, des caractéristiques d'une bonne gouvernance et des rôles et responsabilités des différents acteurs.

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Par ses multiples interventions, la Commissaire entend réitérer l'importance de droits prévus à l'article 23 de la Charte. Elle appuie ainsi toute initiative qui tente de renforcer le cadre de gouverne scolaire et de répondre aux besoins réels des minorités linguistiques. Même si la mise en œuvre de l'article 23 progresse, notamment grâce aux mesures législatives et réglementaires, à la gestion scolaire assurée par les conseils scolaires de la minorité et aux décisions des tribunaux, il reste beaucoup à faire. Des litiges perdurent ou de nouveaux sont intentés en Colombie-Britannique, au Manitoba, en Ontario, au Nouveau-Brunswick, en Alberta et en Nouvelle-Écosse. Aujourd'hui encore, près de la moitié des enfants admissibles à l'extérieur du Québec se font instruire dans le réseau des écoles de la majorité de langue anglaise. La Commissaire se joint aux intervenants communautaires et gouvernementaux qui doivent réaliser l'objectif de l'article 23 avant que celui-ci ne fête ses 25 ans !

que pour la rédaction de la convention collective entre le nouveau conseil scolaire et le syndicat représentant ses employés. Alors que ce dernier faisait valoir les précédents établis quant à l'usage de l'anglais, le conseil scolaire exigeait de poursuivre son fonctionnement intégralement en français.

Le Commissaire a précisé que le but de l'article 23 de la *Charte* est d'offrir aux parents le droit de faire éduquer leurs enfants en français s'ils le désirent et, qu'à son avis, le conseil scolaire doit avoir le droit de fonctionner complètement en français pour préserver la culture francophone et le français comme langue de communication. Ainsi, les négociations d'une entente collective font partie de la gestion du système scolaire.

Le conseil arbitral a jugé que la preuve justifie l'utilisation du français et de l'anglais, mais n'exige aucunement l'utilisation de l'une et l'autre de ces langues de façon exclusive. En conséquence, il a statué que chaque partie peut procéder en français ou en anglais à la table des négociations, avec au besoin des services de traduction à frais partagés, et que la convention collective sera imprimée dans les deux langues et les deux versions seront officielles. La Commissaire souligne l'importance de cette décision car elle est la première à établir le droit des conseils scolaires de langue française de négocier une convention collective en français en raison de leur mandat particulier au sein de provinces majoritairement anglophones. À ce jour, aucune loi ne prévoyait des obligations linguistiques en matière de négociation collective.

## A LOI SUR L'ÉDUCATION DU NOUVEAU-BRUNSWICK SUR LA SELLETTE

**Problème :** La Loi sur l'éducation du Nouveau-Brunswick de 1997 a aboli les conseils scolaires et n'accorde pas aux parents un véritable droit de gestion.

**Principe :** Le droit exclusif à la gestion scolaire des parents est garanti par l'article 23 de la *Charte*.

**Action :** La Commissaire a accepté d'intervenir dans l'affaire *Jean Giroux-Gagné et al. c. Province du Nouveau-Brunswick* devant la Cour du Banc de la Reine du Nouveau-Brunswick et devant le Comité spécial sur l'éducation.

La Commissaire a obtenu, en février 2000, la permission d'intervenir dans l'affaire *Jean Giroux-Gagné et al. c. Province du Nouveau-Brunswick* à titre « d'amie de la Cour ». Les demandeurs ont déposé une requête demandant à la Cour du Banc de la Reine du Nouveau-Brunswick de déclarer invalide et inopérante la Loi sur l'éducation du Nouveau-Brunswick au motif qu'elle enfreint l'article 23 de la



certaines circonstances, exiger que les minorités de langue officielle soient traitées différemment afin de leur assurer un niveau d'éducation équivalent à celui de la majorité. Enfin, le droit à l'instruction dans la langue de la minorité existe partout dans la province et la Cour tient compte des besoins locaux. La Cour constate que le nombre d'enfants à Summerside était suffisant et que le ministre n'a pas respecté le pouvoir exclusif de gestion scolaire de la minorité. Elle précise que les coûts des services envisagés n'auraient pas dû être pris en considération par le ministre et conclut donc que le ministre n'aurait pas dû refuser la demande des parents.

Cette décision a des répercussions considérables. Des recours déjà entrepris (par exemple au Manitoba et en Colombie-Britannique) ou en préparation (en Nouvelle-Écosse, au Nouveau-Brunswick et en Alberta) s'appuieront sur ce jugement. La Commission s'en réjouit et continuera d'apporter son soutien lorsque le respect et l'avancement des droits linguistiques des minorités seront en jeu.

## AUTRES INTERVENTIONS DU COMMISSARIAT

La Commission et son prédécesseur sont intervenus en personne ou par correspondance auprès de divers intervenants politiques et du milieu communautaire afin de promouvoir un plus grand respect des dispositions constitutionnelles et de la Loi sur les langues officielles. Parmi les dossiers traités, signalons plus particulièrement les suivants.

### NOVA SCOTIA TEACHERS' UNION C. LE CONSEIL SCOLAIRE ACADIEN PROVINCIAL

**Problème :** Le Conseil scolaire acadien de la Nouvelle-Écosse veut négocier en français avec le syndicat représentant ses employés, mais le syndicat insiste pour négocier en anglais.

**Principe :** Le droit des parents à une gestion exclusive dans la langue de la minorité inclut la négociation des ententes collectives entre le conseil scolaire et le syndicat représentant ses employés.

**Action :** Le Commissaire a fait valoir son point de vue dans le différend et est satisfait de la décision du conseil arbitral.

Le Commissaire aux langues officielles a témoigné en octobre 1998 à titre d'expert lors de l'audition du différend opposant la *Nova Scotia Teachers' Union* et le Conseil scolaire acadien provincial de la Nouvelle-Écosse devant un conseil arbitral. Le différend portait sur la langue qui devait être utilisée pour les négociations ainsi

instruction est celle de la minorité francophone ou anglophone de la province, ou, dans l'un ou l'autre cas, le droit d'y faire instruire leurs enfants, aux niveaux primaire et secondaire, dans cette langue.

### Continuité d'emploi de la langue d'instruction

(2) Les citoyens canadiens dont un enfant a reçu ou reçoit son instruction, initialement primaire ou secondaire, en français ou en anglais au Canada ont le droit de faire instruire tous leurs enfants, aux niveaux primaire et secondaire, dans la langue de cette instruction.

### Justification par le nombre

(3) Je dois reconnaître aux citoyens canadiens par les paragraphes (1) et (2) le droit de faire instruire leurs enfants, aux niveaux primaire et secondaire, dans la langue de la minorité francophone ou anglophone d'une province :

(a) s'exerce partout dans la province où le nombre des enfants des citoyens qui ont le droit de justifier la leur envoie la prestation, sur les fonds publics, de l'instruction dans la langue de la minorité;

(b) comprend, lorsque le nombre de ces enfants le justifie, le droit de leur faire instruire dans des établissements d'enseignement de la minorité linguistique financés sur les fonds publics.

- Charte canadienne des droits et libertés, article 23 (1982)

Le Commissaire est intervenu dans cette cause en mettant en lumière son interprétation de l'article 23 de la Charte. Selon lui, le ministre doit toujours tenir compte de l'article 23 dans ses décisions au regard de l'instruction dans la langue de la minorité. Il doit notamment prendre en compte l'incidence de ses décisions sur la langue et la culture de la communauté minoritaire. De plus, le ministre doit respecter la décision prise par le conseil scolaire de langue française qui agit à titre de représentant des parents titulaires du droit à l'instruction dans la langue de la minorité et ne peut substituer sa décision pour des motifs non pertinents à la mise en œuvre de l'article 23 de la Charte.

Le jugement réitère l'indissociabilité des droits linguistiques et des préoccupations à l'égard de la culture véhiculée par la langue. Il rappelle que l'article 23 vise à corriger une situation historique et que l'égalité réelle peut, dans

# LA COUR SUPRÊME DU CANADA RECONFIRME LE DROIT DE GESTION SCOLAIRE

<b>Problème :</b>	Le ministre de l'Éducation de l'Île-du-Prince-Édouard a rejeté la décision de la Cour d'appel de cette province de créer une école française dans la communauté de Summerside.
<b>Principe :</b>	L'application de l'article 23 de la Charte exige le respect des décisions prises par les conseils scolaires minoritaires.
<b>Action :</b>	Le Commissaire est intervenu devant la Cour et le jugement a été favorable aux demandes des parents.

## L'« ARTICLE 23 »

### LANGUE D'INSTRUCTION

#### 23. (1) Les citoyens canadiens :

a) dont la première langue apprise et encore comprise est celle de la minorité francophone ou anglophone de la province où ils résident,

b) qui ont reçu leur instruction, au niveau primaire, en français ou en anglais au

(minority et qui résident dans une province où la langue dans laquelle ils ont reçu cette



Encore une fois, la Commissaire estime qu'il incombe au gouvernement fédéral de fournir les ressources dont ont besoin les communautés minoritaires de langue officielle pour bénéficier pleinement de leurs droits linguistiques.

## FACE À LA MONDIALISATION, LA DUALITÉ NE VA PAS DE SOI

**Problème :** Attirés par la culture américaine, les jeunes francophones, mais aussi anglophones, du Canada risquent de s'identifier de moins en moins à la dualité canadienne.

**Principe :** C'est en ayant de solides racines que les individus pourront le mieux contribuer à la diversité mondiale.

**Action :** La Commissaire incite les gouvernements à s'assurer que les jeunes Canadiens et Canadiennes maîtrisent leur langue et leur culture.

Lors de sa première allocution publique en tant que Commissaire devant l'Association canadienne d'éducation de langue française, le 6 août 1999, Mme Adam a eu l'occasion de faire part de ses réflexions sur l'éducation et l'identité des jeunes du Canada à l'heure de la mondialisation. Situait son nouveau rôle sur l'échiquier canadien, elle a affirmé que la question de la dualité linguistique est sans doute l'un des traits distinctifs du Canada, qu'il ne partage qu'avec une poignée de pays dans le monde. Pourtant, cette dualité ne va pas de soi. Pour preuve, elle a analysé l'attitude grandissante des jeunes francophones du Canada qui s'identifient à la langue et à la culture américaines. Dans une certaine mesure, la jeunesse anglophone du Canada est aussi soumise à cette influence de l'américanisation. C'est, pense-t-elle, méconnaître un axiome central de l'identité culturelle car « c'est dans la mesure où leurs racines linguistiques, communautaires et psychologiques seront solides que nos jeunes pourront étendre dans toutes les directions, vers le vaste monde extérieur, les branches de leur savoir, de leur compétence, de leur appui ».

La conclusion que la Commissaire en tire pour l'exercice de son mandat, c'est que le Canada doit prendre les mesures qui s'imposent pour veiller à ce que nos jeunes sachent concilier leur fascination pour une culture mondiale pluraliste, multilingue, dynamique et ouverte avec l'attachement à leur langue et leur culture propres. La vitalité des deux langues officielles nationales en dépend.

## LA PETITE ENFANCE A BESOIN DE GRANDS MOYENS

- Problème :** Les communautés minoritaires ne disposent pas des ressources nécessaires pour assurer le développement de la petite enfance (de zéro à cinq ans).
- Principe :** La petite enfance est le moment crucial du développement de la personne et la société doit s'engager à fournir aux communautés minoritaires les moyens de s'en occuper adéquatement.
- Action :** La Commissaire a pris position à plusieurs reprises en faveur d'un engagement stratégique des gouvernements envers la petite enfance.

Lors des États généraux sur la petite enfance, la Commissaire a appliqué aux enfants des communautés linguistiques minoritaires de l'Ontario les conclusions du rapport Mustard-MacCain qui sonne l'alarme, faisant valoir l'importance fondamentale des premières années de la vie, en particulier les trois premières. Elle a suggéré que les conditions qui permettent à la petite enfance de se développer positivement sont directement reliées au milieu de la famille, bien entendu, mais aussi à ceux de l'éducation et de la communauté. L'école peut influencer sur cette étape cruciale du développement de l'être humain en sensibilisant directement les adolescents à l'importance de leur futur rôle de parent et en s'insérant dans le réseau des ressources parentales de la communauté.

L'ambition est vaste, mais le problème est profond, et il apparaît clairement que les communautés minoritaires sont souvent les moins armées en ressources et services pour s'y attaquer. C'est pourquoi la Commissaire estime que cette problématique s'inscrit dans la portée de la Partie VII de la *Loi sur les langues officielles*, de même que celle de l'article 23 de la *Charte*. Elle concluait devant les États généraux qu'un réseau de garderies adéquat, des services préscolaires d'appoint et des programmes appropriés pour la petite enfance des communautés minoritaires de langue officielle sont autant de moyens indispensables à leur plein épanouissement.

Dans son allocution lors du Forum Femmes francophones du 3<sup>e</sup> millénaire, à Ottawa, le 2 mars 2000, la Commissaire allait encore plus loin en incitant les intervenantes à faire en sorte que le nouveau Programme d'action national pour les enfants tiennent compte des besoins particuliers des enfants vivant en milieu minoritaire. Ce faisant, elle réitérait son appui à l'Équipe francophonie, formée des dirigeants des associations provinciales et nationales, qui s'est saisie de ce dossier.

Les parents qui répondent aux exigences de l'article 23 ont le droit de faire instruire leurs enfants dans la langue de la minorité. Le Commissariat a voulu contribuer au défi que représente l'instruction dans la langue de la minorité de ces enfants admissibles en établissant le profil et l'évolution de ce groupe depuis 1982 et en explorant les motivations relatives aux choix scolaires faits par leurs parents. Le défi gigantesque qui se pose est celui d'attirer la moitié manquante de ce groupe d'élèves admissibles à cette instruction vers les écoles de langue française pour qu'ils ne perdent pas cet héritage familial et, ainsi, renforcer les communautés. Pour ce faire, l'école minoritaire de langue française doit trouver le moyen de convaincre les parents titulaires du droit à l'instruction qu'elle offre autant sinon davantage que sa contrepartie de langue anglaise. Ceci pose les conditions que l'école soit effectivement un milieu d'excellence, qu'elle dispense une éducation de qualité, qu'elle reçoive un soutien actif de la part de sa communauté immédiate et qu'elle soit le reflet de cette communauté.

## QU'EST-CE QUI MOTIVE LE CHOIX SCOLAIRE DES PARENTS ?

L'étude intitulée *Motivations en ce qui a trait aux choix scolaires chez les parents ayants droit hors Québec* a été publiée en janvier 1999. Ses conclusions démontrent que l'école française incite d'autant plus les parents à faire ce choix qu'elle est associée à une communauté francophone perçue comme vivante. Les parents interrogés estiment, en effet, que le sentiment d'appartenance à la communauté francophone, l'intégration des activités scolaires et communautaires de même que la proximité géographique de l'école et du lieu de résidence sont des facteurs motivants. Sur un autre plan, l'accueil des parents non francophones dans l'école et l'attestation que la formation dispensée fait une place à l'apprentissage de l'anglais sont d'autres facteurs de motivation. La Commissaire estime que cette étude fournit un modèle d'analyse qui pourra être utilisé par les communautés minoritaires pour mieux circonscrire les défis qui se posent spécifiquement à elles.

## LE PROFIL DES ENFANTS ADMISSIBLES DEPUIS 1982

La Commissaire a entrepris de dresser le profil de l'évolution des enfants admissibles à une instruction en langue française depuis 1982, date de l'adoption de la *Charte* avec son article 23 consacré au droit à l'instruction dans la langue de la minorité. L'étude constate que le nombre d'enfants dont les parents exercent leurs droits est en baisse constante entre 1986 et 1996. Cependant, le recours plus fréquent à l'article 23 semble avoir freiné cette baisse au cours des dernières années tout en augmentant le nombre d'écoles et leurs effectifs. Le but de l'article 23 est loin d'être atteint. Il faut renouveler les interventions réparatrices à tous les niveaux du système d'éducation. L'étude sera complétée et publiée au cours de la prochaine année.



l'école

« l'école est  
l'institution la  
plus importante  
pour la survie  
de la minorité  
linguistique  
difficile. »

- Arsenault-Cameron c. Ile-  
de la Péninsule, 2000  
CSC 1 p. 5

épanouissement. Pour relever le défi qu'impose cette mission, la Commission rappelle qu'il faut d'abord comprendre que cette érosion découle d'injustices passées, dont les inégalités persistantes à l'échelle nationale entre les systèmes d'éducation de langue française et ceux de langue anglaise. Il faut ensuite savoir que l'érosion cause préjudice aux communautés sur le plan institutionnel, économique et démographique, mais touche aussi à leurs dimensions psychologique et culturelle.

La Commission a profité de son allocution devant les États généraux sur la petite enfance, à Toronto, le 29 janvier 2000, pour inciter les intervenants des communautés à élaborer ensemble des plans de mise en œuvre des droits à

l'instruction dans la langue de la minorité. Le chronomètre tourne depuis 1982 et il faut passer rapidement à l'action avec des plans

réalistes, prenant toute la mesure des moyens à mettre en œuvre. Trois problèmes préoccupent la Commission de façon prioritaire :

1. la difficulté, pour les écoles francophones minoritaires, d'identifier et d'attirer les enfants admissibles à l'instruction dans la langue de la minorité en vertu de la Charte;

2. le besoin criant de s'occuper de la petite enfance;

3. la nécessité de concilier l'engouement des jeunes pour une culture mondialisée sous forte influence américaine et l'attachement à leur langue et leur culture propres.

Des précisions sur ces thèmes sont fournies ci-dessous. Nous

exposons ensuite les principaux enjeux qui se sont manifestés sur le plan juridique au regard de l'article 23 de la Charte.

RALLIER LES ENFANTS ADMISSIBLES EN VERTU DE LA CHARTE

**Problème :** Près de la moitié des enfants admissibles à l'instruction dans la langue de la minorité en vertu de la Charte ne fréquentent pas les écoles de langue française.

**Principe :** La scolarisation en français de ces enfants est une condition pour assurer la vitalité de la dualité linguistique canadienne.

**Action :** La Commission apporte un éclairage sur cet enjeu complexe en menant deux études.

de professionnels de la santé en langue française en Ontario, le rôle de formation de Montfort est essentiel. Enfin, il a souligné l'attachement des Franco-Ontariens et Franco-Ontariennes pour cette institution et la signification nationale de ce cas en vertu de la *Charte canadienne des droits et libertés*.

Les opposants à la fermeture et à la réduction des services à l'Hôpital Montfort ont déposé, le 7 avril 1997, une action devant la Cour de l'Ontario. Le Commissaire Goldbloom a été assigné à comparaître par le procureur des requérants et il a témoigné. Le 29 novembre 1999, la Cour divisionnaire de l'Ontario a reconnu le bien-fondé de la demande des requérants. Elle a accepté l'argument selon lequel l'existence d'un tel centre hospitalier est essentiel à la préservation de la culture de la minorité franco-ontarienne ainsi qu'à la prestation continue de services médicaux et de formation médicale en français. Selon la Cour, la Commission n'a pas respecté l'un des principes fondamentaux qui sous-tendent la Constitution canadienne, notamment celui de la protection des minorités. Les directives de la Commission ont donc été annulées.

La Commission de restructuration des soins de santé a interjeté appel de la décision. L'appel devrait être entendu au cours de l'an 2000. Dans la poursuite de ce dossier, la Commission restera, comme son prédécesseur, à l'affût des nouveaux développements et de leur incidence sur la vitalité de la communauté franco-ontarienne.

Au Québec, la Commission est intervenue dans le contexte des transformations du système de la santé pour encourager le gouvernement provincial à reconduire l'entente fédérale provinciale sur la santé et les services sociaux de la communauté anglophone. Cette entente permettrait notamment de mettre en place une programmation et une structure de coordination appropriées aux besoins de la communauté anglophone.

### 3.3 L'ÉDUCATION DANS LES COMMUNAUTÉS MINORITAIRES

*La Charte canadienne des droits et libertés a consacré ce que les communautés minoritaires défendaient depuis toujours : l'école comme pierre angulaire de leur développement. L'article 23 de la Charte reconnaît en effet le droit à l'instruction dans la langue de la minorité. Mais, entre la reconnaissance du droit et sa pleine application, il y a un long chemin parsemé d'obstacles politiques et juridiques que n'ont pas fini de franchir les communautés minoritaires, avec l'appui du Commissariat aux langues officielles.*

La nouvelle Commission reprend le flambeau avec enthousiasme et détermination. Dans son esprit, la mission de l'école est claire : remédier à l'érosion historique progressive des communautés minoritaires et favoriser leur

### 3.2 MOBILISATION POUR LA SANTÉ

En somme, 1999-2000 a été marquée par certaines avancées et certains principes méritoires semblent acquis, mais il reste beaucoup à faire aux institutions fédérales pour assumer pleinement leurs responsabilités au regard de la Partie VII. Elles peuvent compter sur la vigilance de la Commissaire pour les inciter à franchir de nouvelles étapes.

La menace de fermeture de l'Hôpital Montfort a secoué l'opinion publique et mobilisé la communauté franco-ontarienne depuis 1997. Le Commissariat est intervenu à plusieurs reprises et un dénouement provisoire s'est produit en 1999. Au Québec, la Commissaire a aussi incité les gouvernements à reconduire une entente fédérale-provinciale sur la santé de la minorité anglophone.

**Problème :** Le gouvernement de l'Ontario a envisagé de fermer, puis de réduire les services offerts par l'Hôpital Montfort à la communauté franco-ontarienne.

**Principe :** L'Hôpital Montfort est une institution centrale à la vitalité de la communauté franco-ontarienne et doit être préservé en vertu de la Partie VII de la Loi.

**Action :** Les Commissaires ont à plusieurs reprises joint leur voix à celle du mouvement pour la sauvegarde de Montfort.

SOS

MONTFORT

Franco-ontariens

Montfort

Montfort

Partie VII de la Loi sur les langues officielles.

En février 1997, la Commission de restructuration des soins de santé de l'Ontario recommandait la fermeture de l'Hôpital Montfort d'Ottawa. Aussitôt, le Commissaire Goldbloom intervenait formellement auprès du ministre de la Santé de l'Ontario, tout en reconnaissant que la santé est de compétence provinciale. Durant la longue lutte de la communauté franco-ontarienne pour maintenir intégralement les services offerts par Montfort, le Commissaire est resté actif pour faire valoir le caractère central de cet établissement de santé pour la vitalité de la communauté franco-ontarienne. Il affirmait ainsi remplir son mandat au regard de la Partie VII de la Loi sur les langues officielles.

Les arguments défendus par le Commissaire étaient que Montfort est le seul hôpital à offrir une gamme complète de services de santé en français et qu'il est important pour les patients de pouvoir communiquer dans leur propre langue, surtout que l'Hôpital Montfort dessert un bassin de population qui dépasse largement Ottawa et qui inclut des unilingues francophones. En outre, vu la pénurie



responsabilités au regard de la Loi sur les langues officielles. Or celles-là représentent moins de 20 p. 100 des institutions fédérales, et les autres institutions restent dans l'ombre. La Commissaire constate que la situation n'a guère changé et réitère que ce régime d'application est inadéquat. Elle propose aux institutions de jauger leurs mérites à la lumière des six indicateurs de qualité que le Commissariat a énoncés en 1998 pour évaluer les plans d'actions relatifs à la Partie VII.

En ce qui concerne ces 27 institutions désignées, il est en outre difficile d'évaluer dans quelle mesure leur action a eu une incidence sur les communautés.

Leurs plans d'action et leurs rapports continuent de mettre l'accent sur leurs activités plutôt que sur les résultats obtenus auprès des communautés minoritaires. Pourtant, la gestion axée sur les résultats fait désormais partie intégrante de la culture de la fonction publique fédérale et elle ne devrait pas être dissociée de la question des langues officielles. En mesurant rigoureusement leur rendement, les institutions désignées devraient normalement s'adresser aux communautés elles-mêmes pour savoir si elles ont obtenu les résultats attendus.

Les institutions fédérales désignées font souvent valoir que leurs programmes courants répondent aux besoins des Canadiens et des Canadiennes et que, de ce fait, elles s'acquittent aussi de leurs responsabilités envers les communautés minoritaires. Pourtant, la Commissaire constate qu'il manque le plus souvent d'adéquation entre ces programmes et les besoins spécifiques des communautés minoritaires. Il est en effet peu fréquent de constater une ingéniosité à tailler des programmes sur mesure pour ces communautés. C'est pourtant ce à quoi devrait inciter la Partie VII de la Loi.

À ce titre, la Commissaire relève l'initiative intéressante de Diversification de l'économie de l'Ouest Canada qui s'est assurée de mettre en place, dans chacune des quatre provinces de l'Ouest, des organismes de développement économique communautaire francophones. Ceux-ci disposent d'un financement permanent et gèrent des fonds d'aide à la PME.

La Commissaire réitère la pertinence pour les institutions fédérales de travailler en étroite collaboration avec les communautés afin d'identifier adéquatement leurs besoins et d'en tenir compte dans la révision de leurs programmes destinés à ces communautés.

*La Commissaire propose d'évaluer les plans d'action des institutions fédérales à la lumière des six indicateurs suivants :  
cadre politique et responsabilité intégrée  
stratégie approuvée de mise en œuvre  
atteints et incidence escomptés; systèmes de gestion et de vérification du rendement; cadre de responsabilité et de reddition des comptes; intégration de la Partie VII à la culture organisationnelle.*

## LES INDICATEURS DE QUALITÉ

Le greffier du Conseil privé a formellement acquiescé aux recommandations du Commissariat en annonçant, en février 2000, l'élargissement du mandat du Comité des sous-ministres responsables des langues officielles (CSMLO). Doté d'un secrétariat permanent, le CSMLO se propose donc « d'assurer un leadership intégré et de constituer un lieu de convergence de haut niveau au sein de l'appareil gouvernemental canadien en matière de langue officielle ». En plus d'évaluer l'état général du dossier des langues officielles, le Comité établira annuellement des priorités et des objectifs stratégiques pour guider toutes les institutions fédérales dans les trois secteurs suivants : le bilinguisme institutionnel, la promotion de la dualité linguistique et le développement des communautés de langue officielle en situation minoritaire. Le Comité entend entamer un dialogue avec les représentants des communautés minoritaires et des organismes nationaux œuvrant dans le dossier des langues officielles. Le Commissaire se réjouit particulièrement de constater que le CSMLO a, dès février 2000, adopté quatre priorités stratégiques : vision renouvelée, Internet en français, domaine de la santé, langue de travail.

La concertation directe avec les communautés est un mode de fonctionnellement incontournable pour les institutions fédérales dans leur mise en œuvre de la Partie VII. À ce titre, la Commissaire désire souligner encore cette année le progrès accompli par Développement des ressources humaines Canada dans son rapprochement des communautés. Le Comité national de développement des ressources humaines de la francophonie canadienne et le *Human Resource Regional Table of the English Language Community in Quebec* sont des organismes de concertation exemplaires.

En participant à ces comités conjoints des communautés et du gouvernement, le fédéral donne l'exemple de ce qui devrait devenir une approche omniprésente axée sur l'orientation commune du développement d'un secteur. La Commissaire préconise en effet l'élargissement de cette approche qui, jusqu'à maintenant, est restée confinée au secteur du développement des ressources humaines.

C'est d'ailleurs dans cette foulée que semble se diriger le nouveau Comité consultatif sur les communautés francophones minoritaires que le ministre de la Santé s'appretait à nommer au printemps 2000. Ce Comité est une réponse au dossier établi par la Fédération des communautés francophones et acadienne du Canada qui démontrait l'importance qu'attachent les communautés au secteur de la santé. La Commissaire surveillera avec intérêt l'influence exercée par ce nouvel organe de concertation.

## DES INERTIES PERSISTANTES...

Devant l'ampleur du défi à relever pour pleinement mettre en œuvre son engagement envers l'épanouissement des communautés minoritaires, les initiatives fédérales n'ont pas eu l'envergure nécessaire pour annuler les effets des inerties persistantes. Le Commissaire faisait remarquer dans son *Rapport annuel 1998* que seulement 27 des quelque 200 institutions fédérales ont à rendre compte de leurs



À l'instar de la Cour suprême du Canada qui a affirmé dans son jugement dans l'affaire Beaulac (voir la section 4.2) le caractère réparateur des droits linguistiques, la Commissaire juge que la mise en œuvre de la Partie VII de la Loi doit tenir compte du caractère réparateur de cette disposition destinée à remédier, à l'échelle nationale, à l'érosion historique et progressive des minorités. Par caractère réparateur, on entend que les mesures doivent viser à rétablir les conditions d'une égalité de fait entre les deux communautés de langue officielle. C'est ainsi seulement que les Canadiens et les Canadiennes pourront vivre en français ou en anglais dans leur pays, et que l'identité propre du Canada s'en trouvera raffermie.

## LA « PARTIE VII »

*Le gouvernement fédéral s'engage à promouvoir le développement, l'usage et l'emploi des*

*minorités francophones et anglophones du Canada et à appuyer leur*

*développement, ainsi qu'à promouvoir la pleine*

*reconnaissance et l'usage du français et de l'anglais*

*dans la société canadienne.*

C'est pourquoi, dans l'exercice de son mandat, la Commissaire accorde une grande priorité à la pleine mise en œuvre de la Partie VII. Depuis 1988, le gouvernement fédéral est sous surveillance face à son obligation de changer ses structures et sa manière de faire. Chaque institution fédérale doit en effet mettre en place un « régime d'application approprié » afin de contribuer aux objectifs de la Loi compte tenu de son propre mandat, de ses programmes, de ses ressources et de son influence.

Au cours de la dernière année, le Commissariat a surtout mis l'accent sur la sensibilisation directe du plus haut niveau du gouvernement aux enjeux de la Partie VII et sur la nécessité de renouveler le régime d'application. Ceci a donné lieu à de nombreuses interventions auprès des institutions ayant des responsabilités en la matière. Au terme de l'année, la Commissaire se réjouit de quelques avancées, mais tient à souligner le chemin qui reste à faire.

## QUELQUES AVANCÉES...

Dans son *Rapport annuel 1998*, le Commissaire indiquait positivement que chaque ministère devait dorénavant nommer un cadre supérieur directement responsable devant le sous-ministre pour agir comme « champion » des langues officielles. Cette année, la Commissaire s'est fait un devoir de rencontrer les ministères et les sociétés d'État afin de souligner leur contribution et connaître leurs attentes. Constatant que les champions sont entrés en scène, elle a fait valoir qu'ils devraient jouer pleinement leur rôle à l'avenir. C'est une avenue dont l'incidence reste à déterminer et que la Commissaire scrutera de près cette année.

Le Commissariat aux langues officielles n'a cessé de réitérer que le régime d'application de la Partie VII de la Loi reste déficient au regard des engagements pris et que le leadership gouvernemental doit, en conséquence, venir du plus haut niveau. La Commissaire proposait que les organismes centraux du gouvernement adoptent une approche concertée pour élargir l'application de la Partie VII à l'ensemble du gouvernement.



**Langue d'instruction.** S'il est un fait attesté par l'histoire contemporaine, c'est que le développement des communautés minoritaires passe par une éducation de qualité dans leur langue. La Commissaire et son prédécesseur ont intervenus à plusieurs reprises dans des recours judiciaires pour faire valoir les droits à l'instruction dans la langue de la minorité.

### 3.1 LE FÉDÉRAL AMBIVALENT FACE À LA PARTIE VII

Pour les communautés minoritaires de langue officielle, comme pour le Commissariat, la Partie VII de la *Loi sur les langues officielles* revêt un sens particulier. Plus qu'une simple référence juridique, il s'agit d'un outil de développement qui offre une perspective d'avenir. La Partie VII est un outil dont se servent les communautés et le Commissariat pour faire valoir les droits acquis en matière de vie communautaire intégrale dans les deux langues officielles.

- Problème :** Les institutions fédérales ne s'acquittent pas pleinement de leurs obligations au regard du développement des communautés minoritaires de langue officielle et de la reconnaissance du français et de l'anglais.
- Principe :** Les organismes centraux du gouvernement fédéral doivent exercer davantage de leadership pour enjoindre toutes les institutions fédérales de contribuer activement au développement des communautés minoritaires.
- Action :** La Commissaire a incité le gouvernement à adopter une action concertée. Elle a accueilli favorablement l'annonce du rôle élargi du Comité des sous-ministres responsables des langues officielles.

Lorsqu'elle a été adoptée en 1988, la *Loi sur les langues officielles* a marqué une étape majeure dans l'édification des droits linguistiques et la protection des minorités au Canada. Elle a sanctionné un nouveau type de droits dont la dimension de droits collectifs a ouvert une perspective inégale. Le législateur a utilisé des verbes actifs et des termes on ne peut plus exigeants, tels que « épanouissement » et « pleine reconnaissance ». Il a voulu signifier que la Partie VII ne vise pas à consacrer le *statu quo*, mais bien à le changer par rapport à la façon dont les programmes du gouvernement fédéral sont conçus et mis en œuvre.

L'HEURE EST AU  
DÉVELOPPEMENT  
COMMUNAUTAIRE

Chapitre 3

PARCE QU'ELLES VIVENT EN SITUATION MINORITAIRE ET QUE NOTRE HISTOIRE NE LES A PAS TOUJOURS TRAITÉES AVEC ÉQUITÉ, LES COMMUNAUTÉS MINORITAIRES DE LANGUE OFFICIELLE SONT EN DROIT, AU BESOIN, DE BÉNÉFICIER DE MESURES RÉPARATRICES DESTINÉES À RÉTABLIR L'ÉGALITÉ DES DEUX COMMUNAUTÉS DE LANGUE OFFICIELLE. LE SOUTIEN ACTIF DES INSTITUTIONS FÉDÉRALES ET L'OUVERTURE DE CES DERNIÈRES À LA CONCERTATION AVEC LES COMMUNAUTÉS SONT DONC D'UNE IMPORTANCE CAPITALE. AU COURS DE LA DERNIÈRE ANNÉE, LE COMMISSARIAT EST INTERVENU À PLUSIEURS OCCASIONS DANS CE SENS, EN S'APPUYANT NOTAMMENT SUR LA PARTIE VII DE LA LOI SUR LES LANGUES OFFICIELLES, ET TOUT INDIQUE QUE LES RÉSULTATS POURRAIENT SE RÉPÉCUTER À LONG TERME. LE BILAN DE L'ANNÉE SOUS L'ANGLE DU DÉVELOPPEMENT DES COMMUNAUTÉS EST PRÉSENTÉ EN TROIS TEMPS :

**CONTEXTE GOUVERNEMENTAL.** LE GOUVERNEMENT FÉDÉRAL S'ACQUITTE TIMIDEMENT DE SES OBLIGATIONS EN VERTU DE LA LOI. LA COMMISSAIRE LE LUI RAPPELLE CONSTAMMENT, TOUT EN REMÉMORANT AUX COMMUNAUTÉS MINORITAIRES QU'ELLES DOIVENT UTILISER CET OUTIL POUR ATTEINDRE LEUR PLEIN DÉVELOPPEMENT.

**SANTÉ.** L'UN DES ÉVÉNEMENTS MARQUANTS DE L'ANNÉE AURA ÉTÉ LE JUGEMENT DE LA COUR DIVISIONNAIRE DE L'ONTARIO EN FAVEUR DU MAINTIEN DES SERVICES OFFERTS AUX FRANCOPHONES PAR L'HÔPITAL MONTFORT D'OTTAWA. LA COMMISSAIRE SE RÉJOINT DE CETTE PREMIÈRE VICTOIRE DANS UNE LUTTE QUI N'EST PAS TERMINÉE PUISQUE LA PROVINCE EN A APPELÉ DE CETTE DÉCISION. ELLE A AUSSI ENCOURAGÉ LE GOUVERNEMENT DU QUÉBEC À RECONDUIRE L'ENTENTE FÉDÉRALE-PROVINCIALE POUR LA SANTÉ DE LA COMMUNAUTÉ ANGLOPHONE.





## CONCLUSION

La quête du « déficit zéro » au sein du gouvernement fédéral a occasionné de multiples transformations gouvernementales, dont les retombées contribuent déjà à l'érosion de l'offre de services. Sur le plan des langues officielles, la Commissaire constate que les droits acquis sont souvent brimés par ces transformations. Les multiples plaintes reçues à cet effet de même que les études menées par le Commissariat et d'autres groupes illustrent que ces transformations continuent d'éroder les droits linguistiques des Canadiennes et des Canadiens.

Plus d'une année après avoir reçu les recommandations du rapport Fontaine, après les constats peu encourageants du rapport Savoie et, enfin, par suite du jugement de la Cour suprême dans l'affaire Beaulac, force est de constater que les intentions énoncées ne sont que de belles paroles. Les actions concrètes qui s'imposent pour renverser la vapeur se font toujours attendre. De toute évidence, la haute fonction publique et l'appareil politique n'ont pas encore entièrement intégré à leur fonctionnement l'objet premier de la *Loi sur les langues officielles*.

Dans toutes ses interventions auprès des divers ministères fédéraux et des autres paliers de gouvernement, la Commissaire n'a cessé de mettre de l'avant les cinq principes directeurs qui doivent guider les autorités lors des transformations gouvernementales. Il s'agit avant tout de préserver les droits acquis et de veiller à promouvoir le développement des communautés minoritaires. De plus, les gouvernements doivent mettre en place des mécanismes de recours, de redressement et de reddition des comptes pour que les titulaires de ces droits puissent s'exprimer. Les droits acquis et les mécanismes de recours constituent des contrepois démocratiques au droit de gestion du gouvernement, de quelque manière qu'il soit exercé. Enfin, les droits linguistiques des fonctionnaires touchés par ces transformations doivent être pris en compte.

Cette approche plus incisive doit avoir pour pierre angulaire un nouveau leadership de la part des élus et des hauts fonctionnaires fédéraux. Les langues officielles, en tant que valeur fondamentale du Canada, doivent être intégrées à leur vision et à leurs pratiques. Ils doivent en faire un usage effectif. Ils doivent non seulement mettre en valeur les processus qui visent à promouvoir les langues officielles, mais aussi rendre compte des résultats obtenus.

La Commissaire va rester aux aguets pour s'assurer que les dispositions linguistiques soient mises en application dans le cadre des accords de dix ans et que les services dans les deux langues officielles soient assez solidement ancrés pour pallier l'éventuelle perte des obligations légales à cet effet au terme des accords.

## POINTS DE CONTRÔLE PRÉALABLE À L'EMBARQUEMENT

<b>Problème :</b> Certains services de contrôle aux points d'embarquement, assurés par Transports Canada ou des tiers, ne sont pas conformes aux obligations linguistiques prescrites.	
<b>Principe :</b> Transports Canada doit s'assurer que les services de contrôle sont offerts dans les deux langues officielles.	
<b>Action :</b> La Commissaire a recommandé des améliorations qui ont été suivies par Transports Canada, notamment l'adoption du droit d'imposer des contraventions aux opérateurs.	

Après de multiples plaintes, le Commissariat a réalisé en 1998 une « Étude spéciale sur la langue de communication aux points de contrôle de sûreté préalable à l'embarquement dans les aéroports ». Les recommandations de cette étude portaient sur l'amélioration des mécanismes de contrôle et sur les lignes directrices destinées aux transporteurs aériens responsables de la sûreté préalable à l'embarquement.

Transports Canada a alors entrepris, entre autres, de revoir les règlements adoptés en vertu de la *Loi sur l'aéronautique* pour imposer des contraventions aux lignes aériennes lorsque les droits linguistiques des passagers ne sont pas respectés lors des contrôles de sûreté. Jusqu'alors, le ministère ne pouvait compter que sur la conformité volontaire et n'avait d'autre recours que le renvoi en justice. De plus, le ministère a amélioré ses mécanismes de contrôle et clarifié ses lignes directrices pour la sûreté préalable à l'embarquement.

Le Commissariat a appuyé la démarche de Transports Canada afin de renforcer l'application des dispositions relatives à la *Loi sur les langues officielles*. Il se réjouit des efforts déployés par ce ministère pour améliorer l'offre de services dans les deux langues officielles dans les aéroports. La Commissaire assurera le suivi de l'étude de 1998 au cours de la prochaine année afin de vérifier l'efficacité des mesures prises.

**Problème :** Certains aéroports locaux et régionaux cédés par Transports Canada ne respectent pas leurs obligations linguistiques, car aucun contrôle n'est exercé par le ministère. De plus, au terme de dix ans, ces obligations pourront être abandonnées.

**Principe :** Les accords de cession d'aéroports doivent prévoir non seulement le maintien des obligations linguistiques, mais aussi des mécanismes de contrôle et des pénalités.

**Action :** La Commissaire a enquêté et recommandé que Transports Canada fasse la promotion active de la mise en œuvre des obligations linguistiques.

Le Commissariat a décidé d'entreprendre une enquête à la suite des plaintes reçues à l'égard du non-respect des droits linguistiques des clients dans certains aéroports régionaux vendus par Transports Canada à des intérêts privés. L'enquête a révélé que les accords d'exploitation conclus avec les nouveaux propriétaires contiennent des dispositions touchant la disponibilité de certains services et la communication dans les deux langues officielles. Cependant, il s'avère que Transports Canada n'a pas mis en place de mécanismes pour assurer le respect de ces dispositions. De plus, au terme des dix années que couvrent ces accords, rien n'est prévu pour obliger les propriétaires d'aéroport à maintenir les services dans les deux langues officielles.

La Commissaire trouve cette situation inacceptable. Plusieurs aéroports régionaux sont touchés par cette lacune : Sudbury, Timmins, Sept-Îles, Windsor, Yarmouth, Val d'Or, Charlo, North Bay et Sault Ste. Marie. La Commissaire a recommandé que Transports Canada établisse des mécanismes de vérification et de mise en application des dispositions linguistiques contenues dans les accords de cession. Étant donné que les nouveaux propriétaires ne sont pas contraints à de tels mécanismes dans le cadre des accords signés, Transports Canada devrait offrir sa collaboration active pour appuyer leur mise en œuvre. La Commissaire a aussi recommandé que des mesures soient prises pour que les droits linguistiques soient respectés après la période de dix ans prévue dans les accords initiaux.

Transports Canada a répondu sans tarder aux recommandations de la Commissaire en affirmant sa volonté de faire tout ce qui est en son pouvoir pour assurer l'application des dispositions linguistiques, bien que les installations aéroportuaires vendues ne constituent plus des « bureaux » sous sa responsabilité au regard de la Loi sur les langues officielles.



mémoires pour exiger la continuité, voire l'amélioration des services en français lors des fusions. La Commissaire s'est entretenue de la protection des droits linguistiques lors des fusions municipales avec le conseil de l'Association française des municipalités de l'Ontario. Elle a soumis des mémoires à MM. Glen Shortliffe et Hugh Thomas, conseillers auprès du ministre des Affaires municipales et chargés d'étudier la restructuration des régions d'Ottawa et de Sudbury. Au moment du dépôt du projet de loi 25 créant les villes restructurées à l'assemblée législative de l'Ontario, en décembre 1999, la Commissaire a communiqué avec le ministre des Affaires municipales, Tony Clement, et le premier ministre Mike Harris pour réitérer l'importance de maintenir les droits linguistiques acquis et de reconnaître le statut officiel du français et de l'anglais dans les villes restructurées d'Ottawa et de Sudbury. La Commissaire est intervenue de nouveau une fois les conseils de transition d'Ottawa et de Sudbury mis en place pour faire valoir l'importance du bilinguisme au palier municipal.

## DANS LA CAPITALE DU CANADA

La Commissaire est intervenue à plusieurs reprises dans le dossier de la fusion municipale à Ottawa. Elle attache une importance cruciale au cas d'Ottawa puisqu'il s'agit de la capitale du Canada, et il serait inconcevable que les deux langues officielles n'y aient pas un statut égal. Elle a donc rencontré le comité responsable de l'élaboration de la politique municipale linguistique pour faire valoir l'esprit de la Partie VII de la Loi [article 43 (d)] qui énonce l'engagement du gouvernement fédéral à prendre des mesures incitant les autres paliers de gouvernement à offrir des services municipaux en français et en anglais. Elle a à cet effet sollicité et reçu l'appui du premier ministre du Canada.

## 2.4 CÉDER LES AÉROPORTS... SANS ABANDONNER LES DROITS LINGUISTIQUES

Depuis le début des années 1990, Transports Canada a entrepris de privatiser l'exploitation des aéroports en vertu de la loi relative aux cessions d'aéroports. Les cessions ont été réalisées par vente, dans le cas des aéroports locaux et régionaux, et par bail, dans le cas des grands aéroports. Or des plaintes ont été reçues à l'effet que les dispositions relatives à la Loi sur les langues officielles ne sont pas toujours respectées. La Commissaire a mené des enquêtes sur ces plaintes. De plus, elle est intervenue dans la modification de la réglementation en vertu de la Loi sur l'aéronautique pour garantir le respect des droits linguistiques lors du contrôle des personnes et des biens avant l'embarquement.

- Dyane Adam,  
Commissaire aux langues officielles

*« La dimension  
bilingue de la  
capitale nationale, au  
même titre que les  
édifices du  
Parlement, la Cour  
suprême du Canada  
et le blasonnement  
commémoratif de  
guerre du Canada,  
constitue un symbole  
extrêmement  
important pour les  
millions de citoyens  
et de citoyens partout  
au pays, en plus de  
contribuer à l'image  
du Canada à  
l'étranger. »*

**OTTAWA :**  
**BILINGUISME**  
**INCONTOURNABLE !**

LE POIDS DE LA  
COMMUNAUTÉ  
ANGLOPHONE DE  
WESTMOUNT

La ville de Westmount compte environ 20 000 habitants, dont 60 % sont anglophones. La ville de Westmount compte environ 20 000 habitants, dont 60 % sont anglophones. La ville de Westmount compte environ 20 000 habitants, dont 60 % sont anglophones. La ville de Westmount compte environ 20 000 habitants, dont 60 % sont anglophones.

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responsables gouvernementaux québécois ont généralement répondu que les services en anglais continueront à être offerts aux Anglo-Québécois après toute fusion.

Au Québec, l'article 29.1 de la

Charte de la langue française reconnaît certains droits à des services en anglais et l'usage de l'anglais comme langue de travail interne lorsqu'une municipalité compte 50 p. 100 d'habitants anglophones.

Douze villes de l'Île de Montréal sont dans cette situation et elles exigent de maintenir ce droit advenant une fusion au sein du Grand Montréal.

À l'extérieur de Montréal, la Commissaire s'est

également intéressée à la question des fusions touchant des villages anglophones. Notons, par exemple, la situation aux Îles-de-la-Madeleine où deux villages à majorité anglophone pourraient être fusionnés avec six villages largement francophones dans une seule communauté maritime. Pourtant, les habitants de l'un de ces deux villages, Grosse-Île, se sont prononcés par référendum contre ce projet de fusion.

EN ONTARIO

En Ontario, plusieurs communautés francophones de la région d'Ottawa et de celle de Sudbury, qui sont visées par la loi 25 sur les fusions urbaines, ont présentée des

LE POIDS DE LA  
COMMUNAUTÉ  
FRANCOPHONE DE  
RAYSIDE-BALFOUR

La municipalité de Rayside-Balfour compte environ 16 000 habitants, dont 57 % sont francophones. La ville de Sudbury compte près de 90 000 habitants, dont 23 % sont francophones. La municipalité régionale de Sudbury compte plus de 161 000 habitants, dont 29 % sont francophones.

## 2.3 PETITES MUNICIPALITÉS, PLUS GRANDE VITALITÉ ?

La Commissaire a notamment recommandé au ministre de la Justice d'incorporer à la Loi sur les conventions les droits reconnus au Code criminel et à la Loi sur les langues officielles et de soumettre ses accords avec les provinces, territoires et municipalités à ces dispositions. De plus, la Commissaire a recommandé au ministre de la Justice de consulter les communautés minoritaires de langue officielle avant d'entreprendre tout projet.

La Commissaire constate que le ministère de la Justice n'a pas encore signifié son intention de mettre en œuvre ses recommandations. Il a plutôt indiqué, dans sa réponse au rapport préliminaire sur cette deuxième plainte, que les questions dont traite ce rapport ainsi que trois des recommandations qui y sont faites font déjà l'objet du litige en Cour fédérale. La Commissaire compte suivre ce dossier de très près, tout comme le résultat de son recours.

Le Commissariat suit de près le dossier des transformations municipales, cherchant à assurer la préservation des droits linguistiques. Souvent, la communauté minoritaire de langue officielle d'une province constitue une majorité dans le contexte municipal. La municipalité est dès lors un centre de ralliement et de défense des droits de la minorité et ses élus agissent comme chefs de file de la communauté. Cette configuration avantageuse a tendance à être mise en pièce par le fusionnement des municipalités au sein de grandes entités régionales. Cette année, la Commissaire est plus particulièrement intervenue au sujet des fusions municipales au Québec, en Ontario et dans la capitale du Canada.

**Problème :** Les fusions municipales font parfois disparaître des petites municipalités où les communautés minoritaires étaient en fait majoritaires.

**Principe :** La Partie VII de la Loi encourage les gouvernements à renforcer les communautés minoritaires, ce qui peut signifier de ne pas leur enlever les quelques institutions dont elles disposent, y compris les services municipaux.

**Action :** Le Commissariat a appuyé les communautés minoritaires qui réclament le maintien des droits acquis lors des restructurations municipales.



**Action :** La Commissaire a poursuivi le recours déposé par son prédécesseur en novembre 1998.

Le Commissariat signalait dans son *Rapport annuel 1998* qu'il avait formé un recours avec le consentement d'un plaignant contre le ministère de la Justice dans le contexte de la *Loi sur les conventions*. Ce recours faisait suite à une plainte qui avait été formulée en février 1997 par l'Association des juristes d'expression française de l'Ontario (AJEFO) qui alléguait que le ministère de la Justice n'avait pas respecté la *Loi sur les langues officielles* (parties IV et VII) dans l'adoption et l'application de la *Loi sur les conventions* telle que modifiée en 1996. L'audition de la cause a débuté le 24 janvier 2000 et se poursuivra en octobre 2000.

L'enjeu de cette cause relève des transformations gouvernementales dans la mesure où la *Loi sur les conventions*, telle que modifiée, permet la poursuite des infractions fédérales suivant le régime pénal provincial et prévoit la possibilité de conclure des ententes à ce sujet. Dans le cas plus particulier de l'Ontario, le projet d'entente générale ne prévoit aucune garantie linguistique de sorte que c'est la législation provinciale en matière de procédures qui doit s'appliquer. Or celle-ci ne donne aucune assurance quant au respect des droits linguistiques. Même s'il est vrai que la *Loi sur les tribunaux judiciaires* prévoit des droits linguistiques semblables à ceux garantis par le *Code criminel*, cette loi n'est pas applicable dans tous les cas aux municipalités, et le gouvernement de l'Ontario a choisi, dans le cadre de son projet de loi 108, d'habiter les municipalités à tenter ce genre de poursuites. Il découle donc de l'application en Ontario de la *Loi sur les conventions*, telle que modifiée en 1996, une perte importante de droits, inacceptable pour la Commissaire.

Le ministère de la Justice a également conclu deux ententes particulières avec la municipalité de Mississauga, d'une part, et une entente particulière avec la ville d'Ottawa, d'autre part, par lesquelles il leur délègue le traitement des contraventions de stationnement et la perception des amendes. La première entente conclue avec la municipalité de Mississauga ne fait nullement mention des droits et obligations linguistiques. L'entente avec la ville d'Ottawa et la deuxième entente conclue avec la municipalité de Mississauga contiennent quant à elles des clauses linguistiques, mais celles-ci ne sont pas suffisantes.

Notons que la première entente conclue avec la municipalité de Mississauga a donné lieu à une nouvelle plainte de la part de l'AJEFO en décembre 1997 contre le ministère de la Justice. Après avoir fait enquête, la Commissaire a formulé des recommandations semblables à celles émises en 1997 concernant la première plainte, lesquelles sont reprises dans le rapport annuel de 1998.

francophonie canadienne, que les modalités adoptées garantissent globalement l'égalité réelle dans l'offre de services. Une série de recommandations seront proposées, tant au gouvernement fédéral qu'aux groupes communautaires qui entendent s'inscrire dans de telles ententes de délégation des services gouvernementaux. Elles s'élaboreront autour des principes de préservation des droits acquis, de l'égalité de service entre la majorité et la minorité, du contrôle et de l'évaluation des résultats, du caractère pluriannuel et durable des ententes et d'une transition soignée.

La Commissaire entend promouvoir une telle approche de collaboration par tous les moyens qui sont à sa disposition. Elle prend entre autres comme exemple le concept de guichet unique développé par l'Assemblée communautaire transasquoise, avec l'aval de Patrimoine canadien et du Conseil fédéral. En outre, elle voit d'un bon œil le développement, au Manitoba, de trois centres de services gouvernementaux pour les francophones qui ouvriront leurs portes au cours de la prochaine année.

## 2.2 LA LOI SUR LES CONTRAVENTIONS REMISE EN QUESTION

La Loi sur les contraventions du Canada a été modifiée en 1996 pour permettre au gouvernement du Canada, par voie réglementaire, d'habiller une province, un territoire ou une municipalité à délivrer des procès-verbaux et à engager des poursuites pour des infractions à des lois ou règlements fédéraux, selon une procédure pénale spécifique de la province ou du territoire. Ces modifications à la Loi sur les contraventions ont prévu également la possibilité pour le ministère de la Justice de conclure des ententes avec des autorités provinciales, municipales ou régionales afin de préciser les modalités de traitement de ces poursuites. Cependant, les modifications apportées à cette loi et les ententes conclues en vertu de ces nouvelles dispositions n'ont pas prévu de garantie linguistique semblable à celles stipulées dans le Code criminel du Canada. Cette situation est contestée devant la Cour fédérale par la Commissaire.

**Problème :** La Loi sur les contraventions, telle que modifiée en 1996, de même que la réglementation et les ententes conclues en vertu de ces nouvelles dispositions, ne prévoient pas de droits linguistiques semblables à ceux garantis par le Code criminel et la Loi sur les langues officielles.

**Principe :** La Commissaire est d'avis que le Parlement doit modifier la Loi sur les contraventions pour y incorporer des droits linguistiques semblables à ceux prévus au Code criminel et veiller à ce que les ententes conclues avec les autorités provinciales, territoriales, municipales ou régionales garantissent le respect de ces droits.



Au titre des ressources humaines, la Commissaire souhaite enfin citer en exemple deux initiatives qui illustrent comment les institutions fédérales et les communautés minoritaires de langue officielle peuvent oeuvrer ensemble. Au Québec, le *Human Resources Regional Table of the English Language Community* et, dans le reste du Canada, le Comité national de développement des ressources humaines de la francophonie canadienne sont des initiatives conjointes de DRHC et des communautés. Ces instances veillent à déterminer les besoins économiques des communautés par des consultations et des études, et à les faire valoir auprès des institutions gouvernementales. Dans chacune des provinces et dans chaque territoire, elles mettent sur pied des regroupements de développement économique et d'employabilité qui établissent les priorités et des plans concertés de développement économique. En retour, elles font connaître les services et programmes du gouvernement fédéral.

Dans un discours prononcé le 16 novembre 1999 devant le *Human Resources Regional Table of the English Community* à Québec, la Commissaire précisait que cette nouvelle instance de planification devrait être en mesure de relever des défis tels que la sous-représentativité des anglophones aux divers paliers de l'administration publique, la formation continue, la formation à distance et l'enseignement des langues, l'intégration des nouvelles technologies de l'information dans le développement communautaire et le développement touristique.

## DELEGATION AUX COMMUNAUTÉS MINORITAIRES

La Commissaire étant très sensible à cette avenue qu'empruntent les comités de développement des ressources humaines, elle a commandé une étude sur les modalités de collaboration qui ont cours actuellement au Canada entre l'État et les communautés. En plus de recenser les divers types de collaboration, l'étude va déterminer les conditions qui doivent être remplies pour assurer le respect de l'esprit de la Loi sur les langues officielles.

Le prochain rapport annuel rendra compte des résultats de cette étude. Cependant, il se dégage déjà des cas étudiés, dont le Comité national de développement des ressources humaines de la

*La Table communautaire et le Comité directeur conjoint du Comité national de développement des ressources humaines pour la communauté anglophone minoritaire a mené une étude d'évaluation des besoins dont le but consistait à déterminer la demande en développement des ressources humaines dans les communautés anglophones minoritaires de huit régions du Québec. À la suite de cette étude, huit rapports et un résumé des perspectives de développement des ressources humaines et économiques à l'échelle provinciale ont été rédigés. L'étude d'évaluation des besoins était prévue dans le protocole d'entente signé en mai 1998 entre le Développement des ressources humaines (HRDC) et les communautés anglophones minoritaires.*



Le Secrétariat du Conseil du Trésor (SCT) semble avoir accepté les recommandations du groupe de travail car il s'est attaqué à l'élaboration d'une politique visant la prise en compte des exigences en matière de langues officielles au moment de l'élaboration d'initiatives et de programmes gouvernementaux d'envergure. Selon le SCT, « cette politique exigerait notamment des institutions assujetties qu'elles effectuent une analyse systématique des répercussions des transformations auprès des communautés, qu'elles mènent des consultations auprès de ces communautés, et prévoirait un recours en cas de non-respect ». Le SCT a aussi ajouté une section consacrée aux transformations gouvernementales dans son rapport annuel sur les langues officielles.

La Commissaire se réjouit du renouvellement de ces engagements, mais reste vigilante quant à l'efficacité des mesures qui seront prises puisque le processus est à peine entamé. Elle note qu'aucun changement clair et net ne s'est encore produit et que l'ébauche de politique qui a été mise en circulation en fin d'année par le SCT ne respecte pas l'ensemble des cinq principes directeurs énoncés dans son étude de 1998. De plus, plusieurs privatisations de services publics continuent d'avoir lieu sans que les dispositions de la *Loi sur les langues officielles* soient prises en compte. À titre d'exemple, des aéroports locaux et régionaux sont cédés sans que des mécanismes de contrôle en matière de langue officielle soient mis en place (voir la section 2.4 ci-dessous). Autre exemple, Via Rail privatise certaines routes sans s'assurer du respect des obligations linguistiques. La Commissaire est intervenue auprès du SCT et du ministère des Transports dans ces deux dossiers.

## DÉVELOPPEMENT DES RESSOURCES HUMAINES

Le secteur du développement des ressources humaines a particulièrement retenu l'attention de la Commissaire au cours de 1999. Elle a entrepris une enquête à la suite de plaintes concernant les ententes fédérales-provinciales sur le développement du marché du travail. Ces ententes, négociées par Développement des ressources humaines Canada (DRHC), prévoient le transfert de la gestion de plusieurs programmes de formation et d'éducation de la main-d'œuvre vers les provinces. Les plaintes portent sur la déficience des services offerts dans la langue de la minorité dans le cadre de ces ententes. La Commissaire rendra compte de cette enquête dans son prochain rapport annuel.

La Commissaire entreprendra d'ailleurs au cours de la prochaine année un suivi de l'étude de 1997 sur la *Loi sur l'assurance-emploi* et sur les ententes de développement du marché du travail. Dans sa précédente enquête, le Commissariat avait recommandé à DRHC, à Patrimoine canadien et au Secrétariat du Conseil du Trésor de s'assurer que les droits linguistiques acquis étaient maintenus dans ce type d'entente. La Commissaire rapportera donc dans quelle mesure ses recommandations ont été suivies et quels sont les changements qui sont survenus.

1. la préservation des droits linguistiques acquis du public;
2. la mise en place de mécanismes de recours et de redressement;
3. la mise en place de mécanismes de reddition des comptes;
4. l'obtention d'un engagement formel visant à protéger et à promouvoir le développement des communautés minoritaires de langue officielle;
5. la prise en compte des droits linguistiques des fonctionnaires touchés par ces transformations.

Ces principes traduisent l'approche de la Commissaire qui préconise le maintien des droits acquis du public canadien d'être servi dans la langue officielle de son choix lorsque le service relève d'une institution fédérale et ce, quel que soit le mécanisme de transformation gouvernementale en jeu.

Ces principes ont été conçus pour éviter toute nouvelle érosion des droits linguistiques. Par ailleurs, le grand principe qui doit guider les actions du Parlement et du gouvernement du Canada va bien au-delà du maintien des acquis. Ce grand principe constitutionnel est celui de la progression vers l'égalité du français et de l'anglais et l'épanouissement des communautés de langue officielle, particulièrement celles qui vivent en situation minoritaire.

Un autre problème issu des transformations gouvernementales, c'est la déresponsabilisation croissante du gouvernement fédéral en matière de reconnaissance des droits linguistiques. La dévolution des pouvoirs à divers paliers gouvernementaux ou même les privatisations engendrent souvent un relâchement quant aux obligations linguistiques. Il revient alors aux citoyennes, aux citoyens et aux communautés de revendiquer, à leurs frais, le respect de leurs droits. Ce fardeau s'ajoute aux autres difficultés auxquelles font face les communautés minoritaires. Il s'agit bel et bien d'un transfert inacceptable de la responsabilité du gouvernement fédéral vers les simples citoyens et citoyennes. Il incombe au gouvernement fédéral de reprendre ses responsabilités et de s'assurer, comme l'y enjoint l'article 43 de la Loi, que les autres paliers gouvernementaux respectent les droits linguistiques acquis.

## « MAINTENIR LE CAP »

En concluant cette étude de 1998, le Commissaire Goldbloom avait recommandé qu'un groupe de travail soit constitué pour relever les problèmes engendrés par les transformations gouvernementales sous l'angle des langues officielles et y trouver des solutions. Le président du Conseil du Trésor avait aussitôt acquiescé en nommant un groupe de travail qui a déposé son rapport en janvier 1999.

Intitulé *Maintenir le cap : la dualité linguistique au défi des transformations gouvernementales*, le rapport du groupe présidé par Yvon Fontaine a confirmé l'analyse du Commissaire et proposé une batterie de recommandations visant à intégrer la problématique des langues officielles à toute transformation gouvernementale.

**Aéroports.** La privatisation des aéroports a occasionné plusieurs plaintes relatives aux services et à l'affichage dans les deux langues officielles. La Commissaire a enquêté dans ce dossier.

## 2.1 LES SERVICES GOUVERNEMENTAUX ET LES COMMUNAUTÉS MINORITAIRES

Les transformations gouvernementales englobent des situations ayant des fondements juridiques et des effets très différents. On y retrouve la délégation d'autorité ou de prestation de services à des paliers différents de partages avec les provinces, la privatisation, la vente ou l'abolition de certains services. Dans tous les cas, ces transformations préoccupent la Commissaire dans la mesure où elles peuvent avoir une incidence sur les services offerts dans la langue officielle de la minorité, réduire la capacité des employés fédéraux de travailler dans la langue de leur choix ou négliger l'épanouissement et le développement des communautés minoritaires.

**Problème :** L'histoire récente démontre que les transformations gouvernementales ont nui à la qualité des services offerts aux communautés de langue officielle.

**Principe :** Le principe constitutionnel de la progression vers l'égalité du français et de l'anglais doit guider toute transformation gouvernementale.

**Action :** La Commissaire incite le Secrétaire du Conseil du Trésor à donner suite aux recommandations du groupe de travail sur les transformations gouvernementales. Elle encourage les initiatives conjointes de Développement des ressources humaines Canada et des communautés. De plus, la Commissaire a entrepris une étude des formes de délégation de la prestation des services gouvernementaux aux communautés.

## Cinq PRINCIPES DIRECTEURS

Dans son étude de 1998 intitulée *Les effets des transformations du gouvernement sur le programme des langues officielles du Canada*, le Commissariat formule cinq principes directeurs qui devraient régir les transformations du gouvernement sous l'angle des langues officielles :



# LES TRANSFORMATIONS GOUVERNEMENTALES

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de services sociaux et de santé de qualité est en effet un enjeu essentiel. L'institutionnalisation des services dans la langue officielle de la minorité est non seulement indispensable à l'épanouissement des communautés, c'est aussi une question de dignité humaine.

**La jeunesse.** Plus généralement, les jeunes qui entrent sur le marché du travail apportent une nouvelle expérience des langues et de la culture canadiennes. Pour plusieurs, la dualité linguistique est un acquis. Il faut donc trouver les moyens de se brancher avec cette jeunesse, de faciliter son intégration, de renforcer sa prise sur la dualité linguistique, de lui ouvrir la voie au sein de la fonction publique. Internet et les interventions éducatives vont, dès lors, prendre une importance capitale dans ce contexte.

**L'immigration.** Le Canada va adopter une nouvelle loi relative à l'immigration au cours de la prochaine année et la Commissaire estime que le temps est propice pour mettre en valeur la dualité linguistique canadienne. L'approche canadienne doit s'inscrire dans une politique démographique respectueuse des engagements gouvernementaux énoncés dans la Partie VII de la Loi. Une politique de l'immigration ne peut se limiter, comme à l'heure actuelle, à des motivations d'ordre économique. Elle doit contribuer à consolider le tissu social canadien.

**Internet.** Outil de communication et de développement, Internet représente un enjeu crucial pour le développement du Canada et de sa communauté de langue française. La Commissaire attache une grande importance à cet enjeu particulièrement tourné vers l'avenir.

**La capitale du Canada.** La ville d'Ottawa reconnaît la dualité linguistique canadienne depuis 1970. Lorsque le Parlement du Canada consacre le français et l'anglais comme langues officielles du Canada en adoptant la *Charte canadienne des droits et libertés* en 1981, la ville d'Ottawa adopte des dispositions équivalentes pour ce qui est des services municipaux. Il est incontournable que la capitale du Canada continue de refléter le statut du français et de l'anglais en tant que langues officielles du pays.

C'est armée de ces éléments d'une nouvelle vision que la Commissaire Adam a entrepris son mandat en 1999. Les prochains chapitres rendent compte des enjeux sur lesquels la Commissaire et son prédécesseur se sont penchés et des résultats qu'ils ont obtenus.

## Les droits à l'instruction dans la langue de la minorité. Il est maintenant

clair que la pleine mise en œuvre de l'article 23 de la *Charte* exige des actions réparatrices à l'endroit des communautés minoritaires qui ont été privées de leurs droits par le passé. Au nombre de ces actions, on peut compter l'identification des enfants admissibles à l'enseignement dans la langue de la minorité et leur attraction dans les écoles de ces communautés minoritaires, tant francophones qu'anglophones, ainsi que l'attribution de ressources et de moyens supplémentaires à ces écoles. Les services à la petite enfance dans ces mêmes communautés doivent aussi être intégrés à la perspective de l'égalité en éducation.

**Le développement communautaire.** Douze ans après l'entrée en vigueur de l'actuelle *Loi*, la Partie VII, qui vise l'égalité du français et de l'anglais dans la société et l'épanouissement des communautés minoritaires, est encore loin d'avoir eu les effets correspondant à l'intention du législateur. Au contraire, les transformations gouvernementales ont eu pour effet de transférer la responsabilité de la reconnaissance des droits linguistiques vers les citoyens et les communautés. La Partie VII vise pourtant à changer le statu quo par rapport à la façon dont les programmes du gouvernement fédéral sont conçus et mis en œuvre. Toutes les institutions fédérales doivent mettre en place les outils d'application nécessaires pour que leur contribution à la réalisation des objectifs fondamentaux que le Parlement a établis dans la Partie VII corresponde à la pleine mesure de leur mandat, de leurs programmes et de leurs ressources. Malheureusement, la majorité d'entre elles n'a encore pris aucune disposition à cette fin. Le gouvernement fédéral doit fournir le leadership et le cadre de gestion nécessaires à l'application efficace de cette politique horizontale statutaire. Il doit aussi, en vertu de l'article 43 de la *Loi*, s'assurer que les autres paliers gouvernementaux respectent les droits linguistiques des Canadiennes et des Canadiens.

**L'égalité du français et de l'anglais dans la société.** Le gouvernement du Canada est aussi tenu de promouvoir activement la pleine reconnaissance du statut du français et de l'anglais en tant que langues officielles du Canada ainsi que leur égalité d'usage dans toutes les régions et dans tous les secteurs d'activité de la société canadienne. Cela vaut aussi pour chaque institution fédérale, dans la pleine mesure de son mandat, de ses programmes, de ses ressources et de son influence. Cette disposition semble être la grande oubliée. Il y a donc lieu d'en faire une promotion active dans l'ensemble de la société canadienne. De ce point de vue, les programmes d'immersion et d'enseignement des langues secondes devraient être renforcés afin d'accroître leur contribution à la dualité linguistique canadienne.

**La santé et les services sociaux.** On ne peut ignorer la place centrale qu'occupe la santé dans la vie des Canadiens et des Canadiennes. La Commissaire se réjouit de la décision du Comité des sous-ministres responsables des langues officielles de retenir, parmi ses quatre priorités de travail, le secteur de la santé des communautés. La communication et, par conséquent, la langue dans la prestation

### Des services de qualité.

Servir la population dans sa langue est une des facettes de la qualité du service que ne semblent pas toujours bien saisir les institutions fédérales. On ne peut plus continuer de souligner les longues listes de lacunes persistantes au chapitre de la qualité des services gouvernementaux et de l'accès à ces services. Les institutions doivent envisager la dualité linguistique comme faisant partie de leur rendement plutôt que comme une série d'actions entreprises sous la seule contrainte de la loi. L'offre proactive de services dans la langue de la minorité et l'usage effectif de ces services par les minorités devraient servir d'indicateurs de rendement. C'est une question d'obligation redditionnelle. Ce dossier sera désormais envisagé sous l'angle du changement de la culture organisationnelle. La Commissaire ne se limitera pas à identifier les infractions à la Loi, mais évaluera les circonstances institutionnelles qui les engendrent et proposera des moyens de les surmonter.

**La langue de travail dans la fonction publique fédérale.** Certes, il faut encore s'assurer que le droit de travailler dans la langue de son choix est garanti partout où l'exige la Loi, mais il faut aussi voir plus loin et s'assurer que la fonction publique incarne la culture vivante de la dualité linguistique. À titre d'exemple, les cadres de la fonction publique devraient être encouragés à travailler dans les milieux linguistiques en situation minoritaire au cours de leur carrière.

**Le renouvellement des effectifs de la fonction publique.** On assistera dans les prochaines années à un renouvellement progressif des effectifs de la fonction publique. La nouvelle génération de fonctionnaires, dont plusieurs seront issus des écoles où ils auront appris les deux langues officielles, offre une occasion exceptionnelle de revitaliser la culture de la dualité au sein des institutions fédérales. En particulier, les jeunes qui ont bénéficié des programmes d'immersion et d'enseignement des langues secondes constitueront un bassin intéressant de main-d'œuvre pour la fonction publique. En marge du changement culturel qui se produira, il faudrait insérer dans la formation des fonctionnaires de tout niveau des compétences liées à la compréhension et à la gestion de la dualité linguistique canadienne.

### La mise en œuvre de la Loi.

Notre examen des transformations gouvernementales des années 1990 a révélé qu'elles ont profondément modifié le paysage institutionnel. Elles ont aussi entraîné une érosion, marquée, des droits linguistiques des Canadiennes et des Canadiens. L'actuel régime d'application de la politique canadienne des langues officielles n'a pu prévenir cette érosion. Les outils d'application de la Loi, tels que les politiques gouvernementales et le cadre d'évaluation des programmes, ne respectent donc pas la norme. Ils sont incomplets et inefficaces. Il est par conséquent de la plus haute importance d'identifier ceux qui font défaut et de mettre en place l'ensemble des outils d'application de la Loi qui assureront la réalisation de ses objectifs fondamentaux car, de nos jours, le changement est devenu la seule constante.



Pour relever ce défi, la Commissaire envisage de diversifier ses moyens d'intervention. Elle continuera bien sûr de mener des enquêtes au sujet des plaintes des citoyens et citoyennes, des employés et employées qui se sentent lésés dans leurs droits face aux institutions assujetties à la Loi. En tant qu'ombudsman, elle simplifiera aussi davantage dans la résolution des grandes questions linguistiques. La Commissaire travaillera avec les institutions et les communautés pour trouver rapidement les moyens les plus efficaces et durables de combler les lacunes décelées et de faire respecter la Loi. Ce faisant, le Commissariat devrait être plus justement perçu comme œuvrant du côté de la Loi et travaillant à la fois avec les communautés et les institutions.

Le mécanisme des enquêtes sur des plaintes spécifiques, bien que central à la Loi sur les langues officielles, ne constitue pas le seul recours de la Commissaire. En plus, elle compte intervenir plus tôt dans les zones problématiques, par des études, la proposition de moyens d'action et la facilitation du changement organisationnel. Ce travail permanent auprès des institutions exigera que des rapports soient entretenus avec leurs cadres et que des programmes d'action soient élaborés. Au besoin, elle n'hésitera pas à faire appel aux autres moyens à sa disposition, tels que le rapport au gouverneur en conseil ou encore le recours judiciaire.

Pour ce qui est du plus long terme, il est tout à fait indiqué d'envisager un renforcement de la dualité linguistique en tant que composante de la culture canadienne. Pour ce faire, la Commissaire envisage de mener des actions éducatives qui viseront les diverses composantes de la société canadienne et, en particulier, les jeunes.

Enfin, pour s'assurer qu'elle partage avec ses partenaires la même analyse et les mêmes objectifs, la Commissaire a entrepris une ronde de consultations nationales auprès des chefs de file des deux communautés de langue officielle et des divers paliers de gouvernement dans chaque province et territoire. Elle rendra compte des résultats de cette consultation dans son prochain rapport annuel et s'en inspirera pour ajuster son programme d'actions. En somme, ce que la Commissaire propose ici c'est une nouvelle vision qui est en cours d'élaboration et dont plusieurs aspects sont déjà mis en œuvre.

### 1.3 DOSSIERS PHARES

Cette nouvelle perspective et cette nouvelle approche du travail de la Commissaire se réaliseront dans un ensemble de dossiers que dictera l'actualité. Mais il y a d'ores et déjà quelques dossiers d'importance vitale qui sont priorités dans l'exercice de son mandat. On comprendra que ces dossiers sont incontournables pour l'épanouissement des collectivités de langue officielle au Canada et pour progresser vers l'égalité du français et de l'anglais.

## 1.2 NOUVEAU MANDAT, MOYENS RENOUVELÉS

Devant ce constat et à la faveur du nouveau mandat qu'elle entame, la Commissaire compte réorienter les efforts de son équipe pour agir comme agent de changement. Le rôle traditionnel de chien de garde des droits linguistiques ne s'est pas avéré suffisant pour venir à bout de ce mandat. Il faut maintenant agir au sein des institutions fédérales pour y faciliter le changement et, le cas échéant, surmonter la résistance qui y régnait. Car ce qu'il faut changer, c'est la culture des organisations fédérales. Elles ont montré jusqu'à maintenant un engagement mitigé face aux valeurs que sous-tend la dualité linguistique du pays. Il faut donc remonter à la source du laxisme et susciter le changement à la racine de la culture administrative.

Comment expliquer alors que le Commissariat, année après année, doive remettre sur la table du gouvernement une liste démesurément longue de lacunes décelées dans la mise en œuvre de cette politique? Comment se fait-il que plusieurs institutions gouvernementales restent empreintes d'une attitude au mieux passive, sinon défensive face à leurs obligations, qu'elles n'agissent trop souvent qu'en réaction à des injonctions ou à des menaces de recours devant les tribunaux? Les actions au regard de la Loi se réalisent donc au coup par coup, plutôt qu'en vertu d'un plan d'ensemble, de responsabilités partagées et d'un leadership affirmé. Cette responsabilité semble conçue comme un simple exercice de conformité juridique. La Commissaire, comme les communautés minoritaires de langue officielle, estime qu'il y a eu assez de jugements pour clarifier la portée des droits linguistiques, qu'il faut maintenant une responsabilisation politique et administrative concrète.

Le constat est navrant : il y a un manque d'engagement global du gouvernement envers la mise en œuvre de la Loi. Ce n'est pas au Commissariat aux langues officielles qu'il incombe de mettre en œuvre la Loi, mais bel et bien au gouvernement. Le gouvernement fédéral est le gardien et le promoteur des valeurs fondamentales de l'identité canadienne, dont la dualité linguistique et la protection des minorités de langue officielle. Ce rôle lui appartient en propre et constitue une condition critique de l'intégrité du pays. Pour jouer adéquatement ce rôle, le gouvernement doit assurer un leadership tant sur le plan politique qu'administratif, en adoptant une vision claire et renouvelée du projet linguistique canadien à réaliser, en développant un plan global fondé sur la concertation de l'ensemble des intervenants et en veillant à ce que ce plan soit effectivement mis en œuvre.

Il est temps de regarder les choses autrement. C'est pourquoi la Commissaire entend dorénavant porter son attention sur la transformation de la culture de la fonction publique pour que s'y propage, ainsi que dans l'ensemble de la société canadienne, cette valeur fondamentale qu'incarnent les langues officielles.

# NOTRE NOUVEL HORIZON

## Chapitre 1

L'ANNÉE 1999 A ÉTÉ MARQUÉE DANS L'ADMINISTRATION FÉDÉRALE PAR L'ENTRÉE EN POSTE DE MME DYANE ADAM COMME COMMISSAIRE AUX LANGUES OFFICIELLES. TOUT EN REPRÉSENTANT LE FLAMBEAU DES GRANDS DOSSIERS DÉFENDUS INASSABLEMENT PAR SON PRÉDÉCESSEUR VICTOR GOLDBLOOM, LA NOUVELLE COMMISSAIRE FIXE UN NOUVEL HORIZON DANS LA PROMOTION DE LA DUALITÉ LINGUISTIQUE DU CANADA. CE PREMIER CHAPITRE PRÉSENTE À GRANDS TRAITS LES PRIORITÉS QU'ELLE SE DONNE EN CE DÉBUT DE MANDAT.

### 1.1 CONSTAT D'UNE SITUATION INACCEPTABLE

LA LOI SUR LES LANGUES OFFICIELLES DU CANADA EST EN PLACE DEPUIS PLUS DE TRENTE ANS. DEPUIS 1970, LE COMMISSARIAT EST CHARGÉ DE FAIRE RESPECTER LA LOI, DE PROTÉGER LES DROITS Y AFFÉRENTS ET D'INFORMER LE PUBLIC À CET ÉGARD. EN 1982, LA CHARTE CANADIENNE DES DROITS ET LIBERTÉS A GARANTI CONSTITUTIONNELLEMENT, ENTRE AUTRES, LES DROITS À L'INSTRUCTION DANS LA LANGUE DE LA MINORITÉ, LE DROIT D'UTILISER L'UNE OU L'AUTRE DES LANGUES OFFICIELLES DANS LES COMMUNICATIONS AVEC LE GOUVERNEMENT FÉDÉRAL ET LE DROIT D'EN APPELER AUX TRIBUNAUX. CES PILIERS DE LA POLITIQUE LINGUISTIQUE DU CANADA RÉAFFIRMENT CLAIREMENT QU'AU CŒUR DE NOTRE PAYS REPOSE LE PRINCIPE DE L'ÉGALITÉ DES DEUX LANGUES OFFICIELLES. ET, AU COURS DES VINGT DERNIÈRES ANNÉES, LES TRIBUNAUX ONT CONFIRMÉ ET CLARIFIÉ À MAINTES REPRISES LA PORTÉE DES DROITS ET DES OBLIGATIONS LINGUISTIQUES QUI EN DÉCOULENT.





Ces progrès ne sont cependant pas à la hauteur des défis qu'il reste à relever pour pleinement mettre en œuvre la *Loi* et la *Charte* en ce qui a trait aux langues officielles.

Afin de susciter activement ce renouvellement des langues officielles, la Commissaire a l'intention de réorienter l'emphase de son action. Tout en continuant de recevoir et d'instruire les plaintes du public à l'endroit des institutions fédérales, elle étendra son champ d'intervention en visant, en particulier, la transformation de la culture organisationnelle de la fonction publique. À son rôle d'ombudsman, elle associera un rôle d'agent de changement et un rôle d'éducateur. Pour ce faire, elle enquêtera non seulement sur les infractions et les déficits en matière de langue officielle, mais elle se penchera aussi sur les problèmes récurrents et sur les moyens de les enrayer. Il va de soi que cet effort devra se déployer avec l'engagement et la complicité des sous-ministres responsables des langues officielles. Ces derniers en ont l'entière responsabilité et sont seuls capables de transformer la culture organisationnelle de la fonction publique.

Vus sous ce nouveau jour, plusieurs dossiers ont d'ores et déjà la priorité au Commissariat : la prestation de services gouvernementaux de qualité dans les deux langues officielles, l'usage des deux langues officielles dans le milieu de travail des fonctionnaires fédéraux, le renouvellement des effectifs de la fonction publique en accord avec la dualité linguistique nationale, le renforcement des outils d'application de la *Loi* (politiques, cadres d'évaluation, etc.), le développement des communautés minoritaires en vertu de la *Loi*, les services sociaux et de santé adaptés aux besoins des communautés minoritaires, l'inclusion de la jeunesse rompie au bilinguisme dans la société canadienne, la revue des politiques d'immigration afin d'y intégrer le principe de la dualité linguistique et l'appropriation d'Internet comme outil de plus en plus indispensable pour le développement des communautés linguistiques.

Le défi global que pose ce rapport n'est pas mince pour la société canadienne et ses gouvernements. La dualité linguistique est un des piliers de l'identité canadienne et c'est une mission critique du gouvernement fédéral que d'assumer son rôle de gardien de cette valeur fondamentale. Rappelons-le, lui seul peut jouer ce rôle. La Commissaire, pour sa part, compte faire tout ce qui est en son pouvoir pour que ce défi soit relevé et cela en concertation avec les communautés, les institutions fédérales et toutes les parties prenantes des langues officielles du Canada.

Nous voulons, par ce rapport, contribuer à la mise en place de changements durables au chapitre des langues officielles. Pour ce faire, un cycle différent doit être envisagé : 1) l'engagement responsable et le leadership du gouvernement fédéral doivent être réaffirmés; 2) un cadre d'application de la Loi, qui garantit la réalisation de ces objectifs, doit être clairement défini et mis en place; 3) l'obligation de rendre compte des institutions fédérales doit être renforcée; 4) leur rendement doit être fondé sur la mesure de résultats durables quant à la qualité des services. Bref, l'heure est à la responsabilisation à tous les paliers du gouvernement.

La dernière année a fourni plusieurs incitatifs à cette entreprise. La Cour suprême du Canada a confirmé et précisé la portée des droits linguistiques dans deux jugements relatifs à des recours dans lesquels le Commissariat est intervenu. Dans son jugement dans l'affaire Beaulac, la Cour a notamment affirmé que les droits linguistiques des minorités de langue officielle « ne peuvent être exercés que si les moyens [leur] en sont fournis ». Ensuite, dans son jugement dans l'affaire des parents francophones de Summerside (Arsenault-Cameron), elle a entre autres reconnu le droit à la gestion exclusive dans la langue de la minorité. Elle a aussi fait valoir la nécessité de tenir compte des besoins locaux dans les décisions politiques à cet égard. Ces jugements récents viennent s'ajouter à une série de décisions qui, depuis une vingtaine d'années, ont clarifié la portée des droits linguistiques au Canada.

Pour sa part, le Commissariat a observé de près et fait des recommandations concernant les transformations gouvernementales, la qualité des services offerts aux communautés minoritaires de langue officielle et la possibilité pour les fonctionnaires fédéraux de véritablement travailler dans leur langue. La Commissaire s'est aussi penchée sur plusieurs autres dossiers, dont les fusions municipales, la réduction des services offerts par l'Hôpital Montfort d'Ottawa, la réforme du système d'éducation au Nouveau-Brunswick, la restructuration de l'industrie du transport aérien, la réglementation de la télédiffusion par le CRTC, l'utilisation du français sur Internet, les choix scolaires des parents de faire instruire leurs enfants dans la langue officielle de la minorité, la place des deux langues officielles dans le sport de haut niveau, pour n'en nommer que quelques-uns.

En contrepartie de ces trop nombreuses lacunes et inerties de la part du gouvernement, la Commissaire tient à souligner quelques avancées prometteuses. La révision de la *Loi sur les transports* devrait permettre de clarifier la difficile question des obligations linguistiques d'Air Canada et de ses transporteurs régionaux. Via Rail a finalement assuré la capacité bilingue de son service dans le triangle Montréal-Ottawa-Toronto, ce qui a permis le retrait de plusieurs procédures judiciaires à son endroit. Acquisé par les demandes des communautés minoritaires de langue officielle et du Commissariat, Développement des ressources humaines Canada et Santé Canada ont créé des comités de concertation afin d'établir conjointement les approches stratégiques. Enfin, le Comité des sous-ministres responsables des langues officielles s'est doté d'un mandat élargi et a défini ses priorités stratégiques.



La Commissaire aux langues officielles, Mme Dyane Adam, présente son premier rapport annuel. En plus de rendre compte des principales activités qu'elle et son prédécesseur, M. Victor Goldbloom, ont menées au cours des 15 mois s'échelonnant de janvier 1999 à mars 2000, ce rapport propose la nouvelle vision que la Commissaire compte mettre de l'avant dans l'exercice de son mandat d'ombudsman, mais aussi d'agent de changement, dans le domaine des langues officielles.

La Commissaire estime que, globalement, le bilan de la dernière année au chapitre des langues officielles au Canada est inquiétant. Bien que la dualité linguistique soit une valeur fondamentale de l'identité canadienne, garantie et promue depuis plus de trente ans grâce à la *Loi sur les langues officielles*, la Commissaire a dû, encore cette année, instruire quelque 1 800 plaintes en vertu de la *Loi*. Son rapport fait état d'un nombre considérable de lacunes récurrentes dans les bureaux désignés pour offrir les services dans les deux langues officielles. Les transformations gouvernementales récentes ont eu une incidence négative sur le respect des droits linguistiques et il y a un manque chronique de suivi en profondeur des recommandations formulées par la Commissaire de la part des institutions fédérales.

Le constat est clair : l'engagement est déficient et il y a un manque flagrant de leadership de la part du gouvernement fédéral à l'égard de la pleine mise en œuvre de la *Loi*. La Commissaire Adam rappelle, qu'au terme de son mandat, le Commissaire Goldbloom notait justement que si les recommandations du Commissariat suscitent, dans les institutions fédérales, quelques changements faisant office de suivi, ces derniers restent superficiels et non durables. Si les lacunes et les inerties observées sont si répandues et persistantes, c'est parce que le gouvernement, à son plus haut niveau, n'assure pas le leadership dont il devrait faire preuve dans l'affirmation de la dualité linguistique. Il s'agit pourtant d'un élément critique de la réussite du fédéralisme canadien. Au-delà des lois et des principes généraux, les élus et les hauts fonctionnaires doivent incarner la valeur des langues officielles; ils doivent donner l'exemple par leurs propres actions; ils doivent favoriser une concertation serrée entre l'ensemble des institutions fédérales pour mettre en œuvre ces lois et principes inscrits dans la Constitution du pays.

Présentement, un véritable cercle vicieux semble régir l'action fédérale en matière de langues officielles. Le déni des droits linguistiques donne lieu à des plaintes, lesquelles appellent des enquêtes du Commissariat, qui mènent à des conclusions qui peuvent être accompagnées de recommandations. Les institutions fédérales y répondent par des changements superficiels qui ne transforment pas la nature structurelle des problèmes, et ceux-ci se répètent.

domaine des langues officielles. Il inclura, par exemple, des données par province et territoire sur les inscriptions scolaires en ce qui a trait à l'éducation en langue maternelle et à l'éducation en langue seconde.

Au-delà de ces changements, une constante demeure toutefois : le mandat que la Loi sur les langues officielles confère à la Commissaire. En reconnaissant la dualité linguistique du Canada, la Loi prévoit que les deux langues officielles seront utilisées comme langue de travail et langue de service par les institutions fédérales, et que les communautés linguistiques vivant en situation minoritaire recevront des appuis concrets pour assurer leur développement et leur épanouissement. La Commissaire a donc comme mandat de faire reconnaître le statut égal du français et de l'anglais au Canada, de faire respecter la Loi et d'informer le public canadien de ses droits.

Pour exercer ce mandat, la Commissaire prend toutes les mesures qui s'avèrent nécessaires. S'appuyant sur ses recherches et ses analyses, elle informe et conseille les institutions, les citoyens et les citoyens en vue de revitaliser la dualité linguistique canadienne. Elle surveille l'avancement du français et de l'anglais dans la société et, en particulier, l'épanouissement des communautés de langue officielle vivant en situation minoritaire.

Elle procède aussi à des vérifications et à des études pour mesurer le rendement des institutions fédérales au regard de la Loi. Elle effectue des enquêtes à la suite des plaintes qu'elle reçoit ou de sa propre initiative et, lorsqu'il y a lieu, recommande des mesures correctives ou des changements. Elle fait appel au gouverneur en conseil ou, en dernier recours, à la Cour fédérale de sa propre initiative ou avec le consentement d'un ou de plusieurs plaignants.

On trouvera donc dans ce rapport un compte rendu succinct mais représentatif des activités réalisées et des résultats obtenus par les commissaires Goldbloom et Adam en 1999-2000. Mais d'abord, la nouvelle Commissaire trace à grands traits l'horizon qui se dégage dans l'exercice de son mandat.

# AVANT-PROPOS

## RAPPORT ANNUEL

Ce 29<sup>e</sup> rapport annuel du Commissariat aux langues officielles paraît sous le signe du changement. Changement d'abord au niveau de la capitalinergie car Mme Dyane Adam a succédé à M. Victor Goldbloom à la tête du Commissariat en 1999. Changement ensuite quant à la période couverte par le rapport car c'est l'année financière plutôt que l'année civile qui lui servira désormais de base. Le présent rapport couvre donc, exceptionnellement, une période de 15 mois, du 1<sup>er</sup> janvier 1999 au 31 mars 2000.

Mais le changement le plus remarquable est sans doute la nouvelle formule adoptée pour ce rapport. Rompant avec la tradition pourrait-on dire encyclopédique, qui recensait toutes les activités et tous les événements relatifs aux langues officielles au Canada, le rapport se concentre désormais sur les activités spécifiques du Commissariat. Depuis 1988, plusieurs autres institutions fédérales, dont Patrimoine canadien et le Secréariat du Conseil du Trésor, doivent rendre compte annuellement de leurs activités en vertu de la *Loi sur les langues officielles* (ci-après désignée par la *Loi*) et on a constaté de nombreux doubléments d'information. De plus, les aspects administratifs du Commissariat se retrouvent dans deux documents publics : le *Rapport sur les plans et les priorités* et le *Rapport sur le rendement*. Ces rapports sont intégrés au cycle de la planification budgétaire et déposés au Parlement chaque année<sup>1</sup>.

Dans un format réduit, plus aéré et qui se veut plus accessible au grand public, le nouveau *Rapport annuel* présente un nombre limité d'enjeux significatifs qui ont retenu l'attention de la Commissaire. L'accent est moins placé sur la description des situations que sur les changements auxquels elles ont donné lieu, les principes qu'elles mettent en jeu, les actions conséquentes du Commissariat et les résultats obtenus. La plupart des dossiers traités sont de portée nationale et illustrés par des exemples propres à certaines régions. Ainsi, en ce qui concerne les plaintes, un choix a été opéré pour montrer comment certaines d'entre elles peuvent, après avoir fait l'objet d'un examen au Commissariat, amener des changements.

Ce rapport constitue en quelque sorte un sommaire des interventions du Commissariat, dont témoignent les exemples les plus pertinents. Une liste plus détaillée des interventions est fournie en annexe. De nombreuses autres données, antérieurement incluses dans le rapport annuel, notamment les rapports d'enquête et d'études, sont toujours disponibles dans les autres publications du Commissariat<sup>2</sup>. Dans un avenir rapproché, le site Internet du Commissariat sera considérablement enrichi et fournira des données spécifiques par région et par institution gouvernementale. Il proposera des liens vers les associations des communautés minoritaires et les autres intervenants du

<sup>1</sup> Les rapports sont disponibles en ligne sur le site du Secréariat du Conseil du Trésor aux adresses suivantes : <http://www.tbs-sct.gc.ca/tb/estimates/pub3f0001.html> et <http://www.tbs-sct.gc.ca/tb/estimates/p3b9900f.html>

<sup>2</sup> Pour consulter la version électronique des publications, voir <http://www.ocol-clo.gc.ca/>



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Monsieur le Président,

Conformément à

l'article 66 de la

Loi sur les langues officielles,

je sou mets au Parlement,

par votre intermédiaire,

le vingt-neuvième

rapport annuel du

Commissaire aux langues

officielles qui se rapporte

à la période du

1<sup>er</sup> janvier 1999

au 31 mars 2000.

La Commissaire

aux langues officielles,



Dyane Adam

octobre 2000



MONSIEUR LE PRÉSIDENT  
DU SÉNAT  
OTTAWA

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Conformément à  
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Dyane Adam

octobre 2000





LE TISSU SOCIAL  
CANADIEN

Un tissu est fait  
de nombreux fils.  
Les citoyens et citoyennes  
de ce pays, parlant le  
français ou l'anglais et  
ayant des racines  
ethnoculturelles fort  
diverses, forment  
un tissu social que nous  
appelons le Canada.

*Les personnes qui portent  
l'épinglette du Commissariat  
aux langues officielles  
témoignent de leur engagement  
à promouvoir les meilleures  
relations humaines possible  
entre les composantes  
francophone et anglophone  
du tissu social canadien.*











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1999-2000











